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STRICTURES
ON THE
LIVES AND CHARACTERS
OF THE MOST
EMINENT LAWYERS
OF THE PRESENT DAY:
INCLUDING,
AMONG OTHER CELEBRATED NAMES,
THOSE OF THE
Lord Chancellor,
AND THE
TWELVE JUDGES.

I, bone, quo Virtus tua te vocat, i pede fausto.

HOR.

----- *Sine me, liber, ibis in urbem;
Hei mihi! quod Domino non licet ire tuo.*

OVID.

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AIR34

P R E F A C E.

THE Importance of *History*, as an object of studious Attention, has been so frequently and forcibly illustrated by able Pens, that adducing other Arguments, or placing the same in a different point of view, would be superfluous and unnecessary ; when employed to elucidate Public Concerns, and record the Affairs of Nations, it may be eminently useful to the Statesman and Philosopher ; but certainly does not

come so *immediately home* to the concerns and feelings of Mankind, as that *particular Branch* of it which develops the sources of individual Action, and traces the footsteps of eminent Characters through all the varied gradations from Obscurity to Fame.

Almost infinite are the Advantages of BIOGRAPHY; but HERE, TOO, we have been anticipated by "JOHNSON," who Enumerates them with equal force, perspicuity and truth : It arouses to Emulation, by shewing the Rewards attendant upon application and Genius, and holding
up

up to view the most splendid and attractive Examples, and at the same time furnishes the *means* of Success, by putting us in possession of the Experience of former Candidates, thereby smoothing the path to the favoured Goal. In other language, BIOGRAPHY unfolds the motives and sources of Human Conduct, and displays the minute and hidden Springs that set the Machine in Action, and trace every Movement at all calculated to produce an Effect.

MODERN

MODERN BIOGRAPHY must, of necessity, be *peculiarly* interesting; it is natural to feel more delight in perusing the Lives of those who are eminent in *our own Days*, and who are Objects of Distinction in the Circle in which *we ourselves move*, than we can possibly receive from the recorded Exploits of those of remoter Ages, who have neither by Age, Country, or Connection, any Claim upon our Affections; and of all the variety of Characters that engage the attention of the *Historian*, not any are more interesting
or

or useful than those of STATESMEN,
and LAWYERS.

These are only very imperfect Sketches
of great *Originals*, for which the
Writer is sensible of standing much
in need of an Apology; but which,
he trusts, the Reader will rea-
dily afford him, when he considers
the *Novelty* and *Difficulty* of the
Task he has undertaken. Every
Man is anxious to know something
of those great Characters who pre-
side, and are eminently distinguished
by their Eloquence and Wisdom in
our Courts; but the impediments
in

in the way of collecting this kind of information, with any degree of authenticity, are great, and in many instances, insuperable; and, there is great delicacy required in accompanying *ascertained facts*, with the observations they offer in reasoning upon them.

The Author of these sheets has collected what information he gives the Public with great care and diligence, and, he hopes, drawn his inferences with the Pencil of Truth and Candour: He has freely availed himself of all COTEMPORARY

Periodical

Periodical Publications that could throw any light upon his Subject, but where he has borrowed, has generally, he believes, acknowledged the obligation.

London, June 22,
1790.



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THE RIGHT HONOURABLE

EDWARD LORD THURLOW,

LORD HIGH CHANCELLOR, &c.

TETRUM, ANTE OMNIA VULTUM!—

MONSTRUM, HORRENDUM, INFORME, INCENS!—

LORD THURLOW stands avowedly high in public estimation and in professional rank; but as these sketches profess impartiality and independence for their leading features, we beg leave to be considered as giving our own opinion, rather than as echoing the public voice.*

EDWARD

* Lord THURLOW's political *character* is little known, though his political *conduct* (says one of his Biographers) is notorious. There is not a man in England, of any party, size of understanding, or political complexion, whose business, views, or amusements, have led him to speculations of this kind, that is not firmly persuaded, and satisfactorily informed, of the steadiness, uniformity, and inflexibility of

EDWARD THURLOW is said to have derived his descent from the famous Secretary of that name to OLIVER CROMWELL. His father was an obscure Clergyman, possessed of an inconsiderable living at *Ashfield*, in *Suffolk*. It is a saying of him upon record, that he could give his children nothing more than education, and that NED would *fight* his way in the world. This fortunate son, however, discovered no very early proofs of distinguished genius, but possessed, even in *infancy*, the assumed manners of the man, and was *haughty, presuming, churlish, and overbearing*. At the usual period, he was admitted of *Peterhouse*,

of the over-ruling principle that directs his conduct. Though Earth, Hell, and Heaven were to club their influence, and unite in threatening him with worldly disgrace, future punishment, and eternal reprobation, they must carry their threats into actual execution before they could intimidate him from pursuing the great principle of his nature.

*Si fractus illabatur orbis
Impavidum serient ruinæ.*

house, Cambridge, where the hopes entertained of his future progress in life were far from being sanguine : his general deportment was rude and boisterous, little calculated (says one of his Biographers) to conciliate the respect of the world, and apparently without any wish to obtain it. The early part of his life was marked with many irregularities, exceeding even the bounds of the most dissipated of the day : his difficulties were of course, great, and he is remembered to have extricated himself with great address and wonderful confidence. His natural powers were always viewed with respect, to which indeed they were intitled.* Devoted to a life of pleasure
and

* The following account of his Lordship was transmitted by a very learned and respectable Member of the Church, who is intimately informed of his Lordship's character, family, and early incidents of life, and one of his most zealous advocates and admirers :

“ His superiority of abilities (says he) was discovered
“ very early, both at school and college ; they extorted
“ submission from his equals, and impressed his seniors
“ with

and dissipation, report has imputed to him not only a contempt of literature, but almost

“ with awe.—The following anecdote is told of him :
 “ Having been absent from chapel, or committed some
 “ other offence which came under the cognizance of the
 “ Dean of the college, the Dean, who, though a man of
 “ wit, was not remarkable for his learning, set THUR-
 “ LOW, as a punishment, a paper in the Spectator to
 “ translate into Greek. This he performed extremely
 “ well, and in very little time ; but, instead of carrying
 “ it up to the Dean, as he ought to have done, he
 “ carried it to the Tutor, who was a good scholar, and
 “ a very respectable character. At this the Dean was ex-
 “ ceedingly wroth, and complained to the Fellows of the
 “ insult, and insisted that Mr. THURLOW should be con-
 “ vened before the Masters and Fellows, and receive a
 “ severe reprimand. They were convened accordingly,
 “ and the Master of the college accused him of the insult
 “ above stated ; to which THURLOW coolly replied, That
 “ what he had done proceeded not from disrespect to the
 “ Dean, but merely from motives of pity, an unwillingness
 “ to puzzle him. The irritated Dean ordered him imme-
 “ diately out of the room, and then insisted that the Masters
 “ and Fellows ought immediately to expel or rusticate him.
 “ This request was nearly complied with, when two of the
 “ Fellows, wiser than the rest, observed, that expelling or
 “ rusticating a young man for such an offence, would per-
 “ haps do much injury to the college, and expose it to
 “ ridicule ; and, that as he would soon quit the college of his
 “ own

most a total neglect of it, at least a degree of indolence in the pursuit, inconsistent with the attainments of even necessary knowledge ; but common fame has in this instance added nothing to her reputation for veracity : his Lordship is an admirable classical scholar, and attained his knowledge by the only means knowledge is accessible—study and application. He differed from others only in the *mode* of acquiring it. He who was every where seen the picture of indolence, lolling on the
noon-

“ own accord to attend the Temple, it would be better to
“ let the matter rest, than irritate him by such severe
“ measures ; which advice was at length adopted.—One
“ of the gentlemen who recommended lenient measures,
“ was the present master, for whom Lord THURLOW has
“ procured the Chancellorship of the diocese of Lincoln.”

As a proof of the *consciousness* which the CHANCELLOR felt of his abilities, long before he was called to the bar, he often declared to his friends, that he would one day be CHANCELLOR OF ENGLAND, and that the title he would take for his Peerage would be Lord THURLOW of *Thur-*
low.

THURLOW

noon-day bench, and considered, almost as the *fixture* of a coffee-house in the day, regularly retired to the most intense application at night.

“ ————— His learned toil

“ O’er Books consum’d the midnight oil.”

From *Cambridge* he removed to the *Inner Temple*, where the same apparent indolence of temper and disposition marked his conduct.

He attended the Bar several years unnoticed and unknown.* The first cause in which

THURLOW is the name of a parish in Suffolk, adjoining Ashfield, which he at that time determined to purchase. It happened, however, that he had not completed the purchase at the time the Seal was put to his Peerage.

* When Practice waited not at Mr. THURLOW’s door, but was to be *followed* rather as a patron than treated as a client.—When, as a provision for instant need, he was compelled to seek the fortuitous fee that a Country Circuit should charitably offer, he was often so improvident as to be caught without the means to place his wants in the direct road of probable relief;—for he has, at such times, been bereft even of a sufficiency to defray the necessary expenses of the first stage! In these dilemmas (if we may credit report), he has had recourse to expedencies, that a fruitful imagination is seldom at a loss for—expedencies, however, that oftener do honour to the head than to the character

which he is said to have distinguished himself, was that between LUKE ROBINSON and Lord WINCHELSEA, which at once gave him reputation and business. He was soon after pitched upon as managing counsel in the great DOUGLAS Cause, in which he discovered ability and address. It was always his aim in practice, to give his oratorical productions more the air of genius than industry, and they often carried the appearance of *spontaneous* effusion, although the effort of much pre-meditation and previous labour. Vanity is the ruling passion of humankind, and we all wish to
go

of the master. At one time, when every common scheme had failed him, he is said to have liberated himself from an awkward embarrassment in a very bold manner. He sent for a stable-keeper, and requested a horse of him on trial, and after a certain allowed proof, if he liked the *beast*, he agreed to give for him a stipulated sum. We believe that our readers are already acquainted with the sequel of this bargain. The horse, to be sure, was discovered to be lame, blind, broken-winded, &c. and the man consequently abused for *setting a Gentleman* on so despicable and dangerous an animal.

go forward rather by the impulse of the wind than the labour of the oar, although attainments by the means of industry are certainly as honourable, and generally more successful.

The *morality* of a character,* these imperfect sketches profess no purpose to delineate.—

* We are proud of the relation of every *good* action, and the following certainly *ought* not to be omitted :

The late celebrated *Doctor Johnson* applied by means of the Chancellor to a great Personage for an addition of 200l. to his pension of 300l. for one year only. The Doctor was persuaded for the establishing, or rather recovery of his health, to visit the Continent, and this additional sum would enable him to travel with ease and convenience. The petition was refused ; but the Chancellor, when he acquainted the Doctor with the event of his application, told him that he was at full liberty to draw on his banker for 500l. The following is a Copy of the Doctor's Letter to the Chancellor, on his Lordship's liberal offer to him :

To the Right Honourable Lord THURLOW.

AFTER a long and not inattentive observation of mankind, the generosity of your Lordship's offer raises in me not less wonder than gratitude. Bounty so liberally bestowed

lineate.—The *immorality* chiefly, we believe, imputed to the CHANCELLOR, is too frequent a sacrifice to the Cyprian Goddess, and these are crimes, which in mercy to mankind, we hope are venial. It is to
be

towed I should gladly receive, if my condition made it necessary—for to such a mind who would not be proud to own his obligation? But it has pleased God to restore me to so great a measure of health, that if I should now appropriate so much of a fortune destined to do good, I could not escape, from myself, the charge of advancing a false claim. My journey to the Continent, though I once thought it necessary, was never much encouraged by my physicians, and I was very desirous that your Lordship should be told of it by Sir JOSHUA REYNOLDS, as an event very uncertain; for if I grew much better, I should not be willing, if much worse, I should not be able, to migrate. Your Lordship was first solicited without my knowledge; but when I was told that you was pleased to honour me with your patronage, I did not expect to hear of a refusal;—yet as I have had no long time to brood hope, and have not rested on imaginary opulence, this cold reception has been scarce a disappointment; and from your Lordship's kindness, I have received a benefit which only men like you are able to bestow. I shall now live *mibi carior*, with a higher opinion of my own merit.

I am, my Lord, your Lordship's most obliged,

Most grateful, and most humble Servant,

Sept. 1784.

SAMUEL JOHNSON.

be remembered too, that tales of scandal are ever propagated with malignity proportionate to the elevation of the character traduced.

His arrival at professional honours was first announced in 1762, when he was appointed *King's Counsel*, thus emerging *at once* from legal obscurity, his abilities being so little known as a Barrister, that the appointment excited universal astonishment. Impelled by the most resistless ardour, he rushed intrepidly, and almost immediately, to the summit of legal fame; for in the year 1770, we find him advanced under the patronage of the House of BEDFORD to the post of *Solicitor General*, on the resignation of Mr. DUNNING; and succeeding Sir WILLIAM DE GREY as *Attorney General* in 1771.

He was twice elected into Parliament for the Borough of *Stafford*,

This

This is the proper place to review his Lordship's pretensions to the rank he holds as a first-rate *Orator* and *Lawyer*.

He was a powerful and *uniform* supporter of the measures of Government.* It cannot be denied but he possesses strong natural talents, and quickness of apprehension:—His eloquence partakes of his character; it is bold, explicit, decisive, and inflexible:

* Without the graces of elocution, a chosen arrangement of words, harmony of voice, or diversity of cadence, there is an expression of countenance denoting a conviction of truth, a manner of pressing his arguments, seemingly arising from the same source, accompanied by a certain energy of expression which, united, render him most formidable and powerful in the line of parliamentary persuasion. He often substitutes sophistry for argument, and assertion for fact; and in the blind heat of debate, where the attack and defence is sudden and unforeseen; where majorities are to be soothed, hurried, misled, or furnished with plausible apologies for voting against conviction: where it is the business of an advocate to conceal, exaggerate, or explain away; where the Speaker, from his particular situation, is far removed from responsibility; where few are capable of judging, fewer of detecting, and where the detection would be the work of more days than the mode of parliamentary discussion affords hours; THURLOW, to borrow an expression of his own, is an orator of *the first impression*.

flexible:—he delivers his arguments as *Jove* directs his bolts, in tones of thunder : confident and daring, he rushes like *Achilles* into the field, and deals destruction around his adversaries more by the strength of his arm, the deep tones of his voice, and the lightning of his eye, than by any peculiar felicities of genius, or elevated powers of oratory.—He at times combats his opponents with every species of argument, from the naked, unqualified, unsupported flat assertion, down to the farcaſtic joke. “ His ſtyle, however, is often petulant and warm, neither “ remarkable for its neatneſs, nor offensive “ for its vulgarity.—His attempts at ridicule and humour are mean and disagreeable ; but his words are generally well “ choſen, and his voice clear and ſtrong.— “ His replies are conſtantly acrimonious ; “ he exerciſes all the figures of his profeſſion : his conſtructions of the law are “ artful and malignant, and he becomes “ gradually vehement and furious.”*

His

* See *Preface to Bellendenus*.

His manner has an *assumed* dignity, and an *affected* impression of awe, which however decorous upon *some* occasions, is certainly improper upon *all*. Perhaps the natural *sable* of his face—that *dull, dismal, dark, disastrous* countenance, throws an involuntary horror round him.—Menace and terror sit enthroned upon his brow—*his whole aspect is repellant, and conveys an idea of outrage*.—He affects to disdain the aid of the Graces, and to command alone by the energy of expression, and *force*, both in manner and expression, is undoubtedly his Lordship's *forte*, but every qualification should be judged by comparison.—As a Speaker in the House of Commons, many were far above him. That *force*, on which so much has been said by his Panegyrists, compared with the fire and energy of Fox, is like *Satan's* contest with OMNIPOTENCE, and like the allusion, leaves comparison behind it. Where, in the best of his speeches, is the information, the design, the genius, the splendid conflagration
of

of BURKE? Where the wit, the classic taste and correctness of SHERIDAN? The records of Parliament will place him, as an orator, far below any of these.

As a *Professional Man*, he was not heard of, by the side of YORKE, DE GREY, and GRANTLEY; and was always, with great propriety considered inferior, both *in and out of Parliament*, to his official competitors ASHBURTON and LOUGHBOROUGH.

His *unrivalled* excellence, is an iron countenance, an inflexible hardihood of feature, an invulnerable, impenetrable aspect, that nothing can abash, no crimson tinge; that stares humanity from the justice-seat, and defies the tear of pity. Charity, it is said, covers a multitude of sins, and *inhumanity* implies a depravity of heart, that gives the owner credit for the possession of *untold* crimes.

In 1778, he was created a Peer by the title of Lord THURLOW, Baron of *Ashfield*
in

in *Suffolk*, and advanced to the high dignity of *Lord Chancellor*, the place best calculated for the display of his abilities.

As a Speaker of the House of Lords, he has that intrepidity and firmness that *commands* order and regularity in their proceedings, and confines debate to the point in agitation. His Lordship very properly *feels* the dignity of his situation, and will not suffer the pride of Peerage to invade it's rights. His spirited and manly reply to the Duke of GRAFTON, does him honour.* However the ancient and hereditary Nobles may feel on the ascent of Lawyers to the Peerage, it must be remembered, that *they* only rise by desert. The man who earns his honours, has the best right to wear them; and they certainly fit upon him with a grace seldom observed in the passive inheritor.

“ Vast in his person, bold in his sentiments,
 “ *pompous* in his words, and powerful,
 “ *erful*,

* See Parliamentary Debates.

“ erful, not so much in the qualities of
 “ wisdom, as in the consequence given to
 “ trifles, he has secured the prejudices of
 “ the Upper House. He has obtained all
 “ that could possibly be expected by a
 “ man of mean extraction, with the aid
 “ of oratorical abilities. The influence
 “ *Quintus Varrius*, a huge but beastly fellow,
 “ once obtained amongst his fellow-ci-
 “ tizens, the CHANCELLOR, by similar
 “ attainments, imagines he has acquired
 “ in the British Senate. Confident and
 “ shrewd, his *look* bespeaks him of some
 “ consequence—

“ A grave severity is in his face,

“ And credit in his words.”

He is not an example of mean insinua-
 tion, but stands (says an elegant diurnal
 writer) amidst the warring factions of the
 times, like the CHAN of the USBECS, too
 formidable to be visited by contumely, tho'
 too savage to create esteem.

There

There is great similitude of character between Lord THURLOW and the late Lord NORTHINGTON;* the same bluntness, the same

* A more singular character than the late Lord Chancellor NORTHINGTON has not perhaps been unfolded to modern observation. He possessed considerable abilities, was an upright judge, and gave satisfaction in the high office he enjoyed: in private life he was the very reverse of every thing which would seem to produce dignity in a public station. In his youth he was a professed debauchee, and the sentiments and language of that character were retained by him to the latest moment of his existence. On his return home from the administration of justice, he would not hesitate to swear at his servants, and be indecent with his company:—Indeed the state-coach was not always considered sacred to chaste and decent speech, and the uneasiness of that rumbling machine, when his Lordship's feet have been tender from the gout, has called forth very strong exclamations in the presence of the mace and seals. Some of his friends have been so free as to declare they have actually seen an oath on his lips when he presided on the woolstack, though it was never known to escape further. One occasion, however, was marked with language too expressive to pass unnoticed.

The Speaker, ONSLOW, who attended with the most scrupulous regard, both in public and private, to the dignity

same disdain of the Graces, and even of decency ; the same intrepidity and *apparent* integrity. Art may indeed be concealed under this veil : it is of a fine, but *transparent* texture ; and the *discerning eye* may discover through the aperture the deception it conceals.

The following lines of SHAKESPERE seem not inapplicable to his Lordship :

“ This is some fellow, who having been praised
 “ for bluntness, doth affect a saucy roughness, and
 “ constrains the garb quite from its nature—he can’t
 “ flatter—he, an honest mind and plain—he must speak
 “ truth—an’ they will take it—so—if not—he’s
 “ plain.”

The

nity of his character, was complaining, on his arrival later than usual at the House of Commons, on some day of important business, That he had been stopped in Parliament-street, owing to the obstinacy of a carman ; and was told that the Lord Chancellor had experienced a considerable delay from the same cause. “ Well, (said the Speaker)
 “ did

The remaining part of his character, as given in a very excellent periodical publication, is so accurate and just, or at least so exactly coincides with our ideas, that we shall conclude our *Sketch* of his Lordship with a transcript of it.

“ The world has done sufficient justice to the character of Lord THURLOW, which being examined in the detail, may perhaps rather call for some abatement to the extravagant applause given it, than to any additional eulogium. As a *Politician*, he seems to stand the fairest chance of descending to posterity with reputation, though he probably possesses little more than the usual narrow information belonging to those of his profession. In his conduct as a Senator, he has distinguished himself by so decided,

“ did not his Lordship shew him the Mace, and strike him
 “ dumb with terror ?”—“ No, (it was replied) “ he did
 “ not ; but he swore *by God, that if he had been in his private coach, he would have got out and beat the damned*
 “ *rascal to a jelly.*——”

decided, so confident a degree of superiority, that he has received credit for abilities, the existence of which may be questioned without the smallest indecency."

It is certain, that little advantage has arisen to the public from any of his political exertions ; and we are yet to learn wherein his talents, as a Legislator, are to be discovered. He has, however, a quickness of parts well suited to public debate, and a cool determined manner, well adapted to obtain an ascendance over imbecility, to push boldly all advantages, and to secure a retreat with credit, when opposed by superior powers. As a Lawyer, his knowledge is inferior to many ; and had his rise depended on his professional advantages, *another* must have now presided in the Court of Chancery.

It has been the misfortune of this country, that the legal and political characters have been lately so blended, that more attention

tention has been paid to the latter than the former, and often at the expence of it. This was not formerly the case ; and we pronounce, without hesitation, that the public suffers by the unnatural union. Let those who have been long anxiously looking for decrees in the Court of Chancery, be asked their sentiments of a Political Chancellor : They will paint their misery in such colours, as must convince every impartial person that the supremacy in the House of Lords, and in the first Court of Equity, should not be in the same person. —Many lawyers have suggested the prevalence of a species of *indecision* totally inconsistent with any very comprehensive knowledge of jurisprudence, and totally different from the general mode of proceeding in all other situations. The practisers complain of the petulance and illiberal treatment they frequently meet with, and the surliness and ill-nature which is often to be seen in public ; and those who remember the patience, the good humour, and po-

liteneſs of the Lords HARDWICKE and CAMDEN, are perpetually drawing comparisons by *no means favourable* to *THURLOW.

* The ingenious and learned Author of the Preface to *Bellendenus* having very happily pourtrayed ſeveral ſtriking features in his Lordſhip's character, has the following con- cluſion, which, from *an entire coincidence of ſentiment and opinion*, is here tranſcribed :

“ IF he ſhould ever peruſe *my ſentiments* of his character, I would deſire him not to *shake his tremendous head at me* ;—the ſevere and forbidding manner with which he ever addreſſes himſelf to others, will probably excite his indignation when directed againſt himſelf : I care not if he ſhall think me to have ſpoken of him with too much bitterneſs, it is the fair and reaſonable conſequence of the conduct that provoked it.”

ANOTHER of his Lordſhip's Biographers has pourtrayed him as follows :

“ IN times leſs favourable to genius and freedom, the haughty Barons, and ſtill more haughty Biſhops, adminiſtered juſtice to their trembling vaſſals. Nobility and prieſthood were the only criterions of merit, and high birth and the eccleſiaſtical *tonſure* ſeem to have aſſumed a preſcriptive right over the noble ſcience of jurisprudence.—In this more liberal age hereditary pretenſions are forced to give way to perſonal worth, while the fortuitous advantages

ges

ges arising from fortune and descent, maintain but a feeble competition with the nobler endowments of the mind. This position is no where better illustrated than in the profession of the law, as several of its members, unsupported by any other claim than those of their own merit and abilities, have, during the present century, ennobled themselves and their posterity.

“ Let it be recorded to their honour, that within this period, two of the greatest characters in this kingdom have risen from the desks of Attornies; while, if we believe common report, a third may be literally said to have jumped from the loom to the Woolfack.

“ EDWARD THURLOW, the son of a manufacturer of the city of Norwich, like his great predecessors SOMERS and HARDWICKE, bursting from obscurity by the strength of his own genius, like them too, overcame the obstacles of birth and fortune, and suddenly rose to the first honours of his profession. The finger of the HOUSE OF BEDFORD pointed the road to preferment; and at a time when his cotemporaries were struggling with mediocrity, and a stuff gown, the filken robes of a King’s Counsel, and the patronage of that illustrious family, inspired him with no common ambition. The powers of his mind expanding with his hopes, the high offices of Solicitor and Attorney-General, which bound the views of some men, seemed to him but as legal apprenticeships, imposed by custom, before he could attain to that dignity, which was to give him precedence of every lay-subject in the kingdom, not of the Blood Royal.

“ The people beheld with pleasure a man suddenly emerging from among themselves, and enjoying the highest offices

offices of the state ; his triumph seemed to be their own. It flattered their passion to see plebeian merit coping with aristocratical pride, and united, but acknowledged worth, conferring, by its participation, lustre on degenerate nobility. When they saw him, too, supporting his newly acquired honours with a dignity which they imagined had only appertained to hereditary grandeur, and beheld him in his contest with the head of the House of GRAFTON, stating his own merits in competition with ducal honours, and weighing the fair claims of genius and learning, in opposing the meretricious, though Royal descent, every good citizen partook of his honest pride, and participated in his victory.

“ Seated on the Chancery Bench, the eyes of mankind were fixed upon him. The iron days of equity were thought to be passed ; and it was fondly expected, that the epoch of his advancement would be the commencement of a golden age. The nation felt that they had long groaned under the dominion of their own Chancellors. The slowness of their proceedings had mouldered insensibly away, in the pleadings of two centuries, some of the fairest fortunes in the kingdom ; and the subtleties of the civil law had involved, in the voluminous mazes of a Chancery bill, rights and claims, which the municipal courts would have immediately recognized.

“ At once haughty and indolent by nature ; attached to a party, and distracted by politics ; with a mind fitted to discountenance, abuse, and appal oppression, Lord THURLOW disappointed their expectations ; and, by his conduct, forcibly illustrated that great legal axiom, that the duties of the Woolfsack and the Chancery are incompatible.

“ A change

“ A change of ministry taking place, the CHANCELLOR was suddenly dismissed ; and the man who had risen with the approbation of mankind, retired amidst the clamours of the nation.

“ Restored to his high office by another change, as sudden as his dismissal had been precipitate, if his inactivity had been still the same, yet his personal conduct seemed to be greatly altered. Exiled from power, he had been taught by retirement what other men have not learned by adversity ; and his present attention to business, and politeness to the gentlemen at the Bar, afforded a happy contrast to his former behaviour,

“ The character of the CHANCELLOR seems to be developed in his countenance, by an outline at once bold, haughty, and commanding. Like HALE, he is negligent of his person ; like YORKE, he has swerved from his party ; BUT LIKE HIMSELF ALONE, HE HAS EVER REMAINED TRUE TO HIS OWN PRINCIPLES.

“ As an orator, his manner is dignified, his periods are short, and his voice at once sonorous and commanding. More nervous than CAMDEN, more eloquent than RICHMOND, more masculine than SYDNEY, he is the sole support of the Minister in the House of Peers. Like an insulated rock, he opposes his fullen and rugged front to the storm of debate, and remains unshaken by the whirlwind of opposition.

“ Better acquainted with books than with men, as a politician, his knowledge of foreign affairs is narrow and confined ; he is, however, well informed of the domestic and immediate concerns of the empire. Warmly attached

to the prerogative, he brands reform with the name of innovation ; and is fond of urging the wholesome regulations of our ancient laws, in opposition to the improvements of modern projectors.

“ His attachment to his Sovereign is personal, and at least equals his attachment to prerogative. Take his own words on a recent and important occasion :—*When I forget my King* (says he) *may God forget me !*” The sentiment was strongly expressive of the feelings of gratitude. It did honour to his heart, and certainly will not injure his preferment.

“ As a judge, his researches are deep, and his decisions are confessedly impartial : none of them however, have procured him celebrity.

“ As a legislator, he has as yet acquired no reputation ; and notwithstanding a voluntary proffer of his services has made no alteration in the laws respecting the imprisonment of *insolvent debtors*, whom he has treated with a violence that favours of the rigour of justice rather than the mildness of humanity.

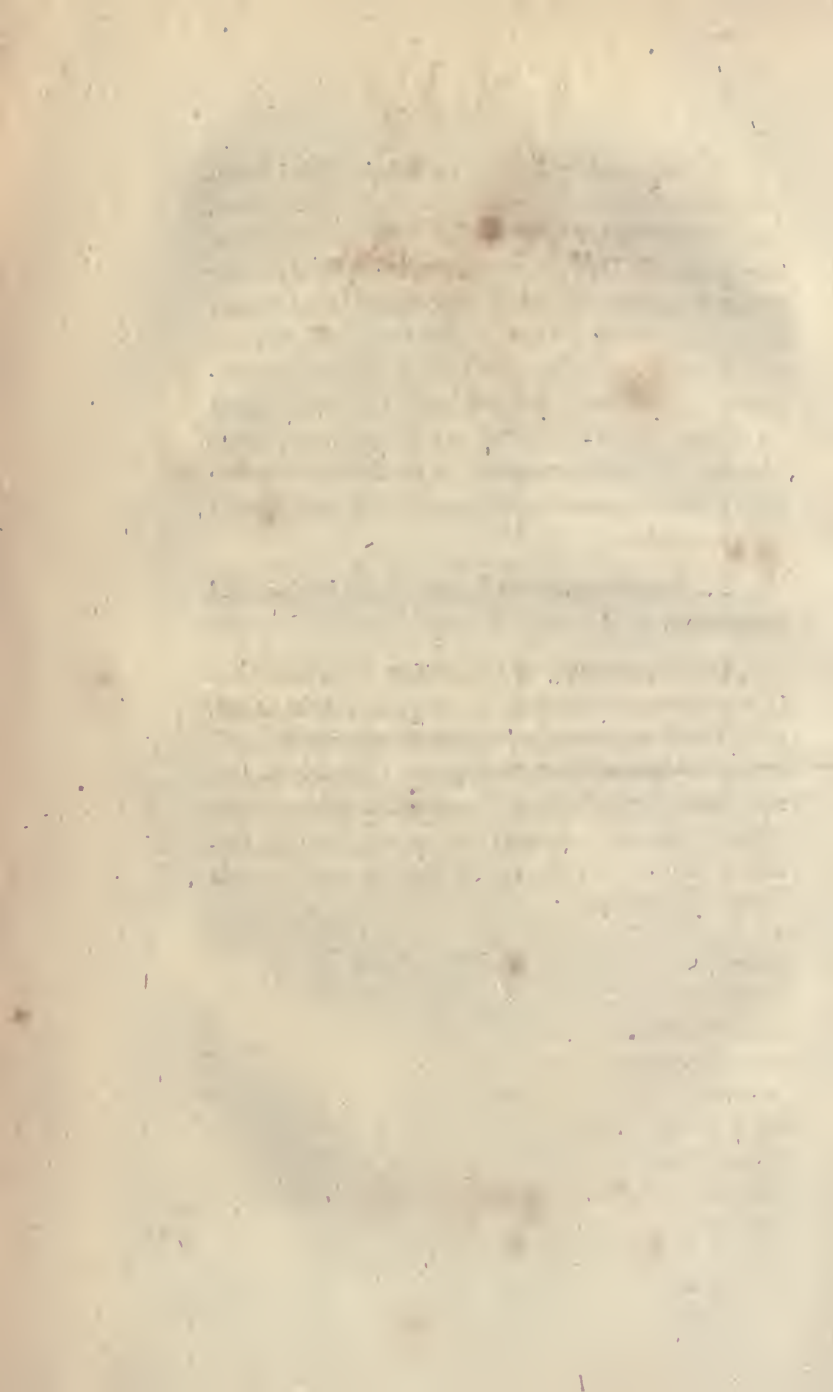
“ His enemies, who hate him with rancour rather than enmity, dare not question his integrity, nor can they charge him with any action deserving of reproach. His friends, who love him from esteem rather than affection, avow the greatness of his deserts, yet find it difficult to fix his particular merits. In fine, his character is still negative and undetermined : with powers fitted for any thing, he has as yet done nothing, and although he seems the wonder of the present age, will, perhaps, scarce meet with the notice of posterity.

“ His

“ His great predecessors have erected the noblest monuments to their fame, by attention to the happiness, the interests, and the welfare of their fellow-citizens. Lord Chancellor HARDWICKE planned the bill for abolishing the Heritable Jurisdictions in Scotland ! Lord Keeper GUILDFORD had a principal hand in the statute of Frauds and Perjuries, of which the Lord NOTTINGHAM observed, “ That every line was worth a subsidy.” Lord Chancellor SOMERS projected the act of union betwixt England and Scotland, and a bill to correct some proceedings, both in common law and equity, that were dilatory and chargeable.

“ These were services that at once claimed and secured immortality.

“ The life, however, of the present CHANCELLOR, if it is destitute of eulogium, is yet not without its moral, as his success will naturally stimulate the exertions of industry, and invigorate the efforts of genius. But let this character teach those who dare to consider successful ambition, not as the end, but as the road only to true greatness, that nothing but ACTIVE WORTH can form the good citizen, and the great lawyer.”



THE RIGHT HONOURABLE

WILLIAM EARL MANSFIELD.

*Gath'ring his flowing robe, he seem'd to stand,
In act to speak, and graceful stretch'd his hand.*

POPE'S TEMPLE OF FAME;

THE Life of the EARL of MANSFIELD would exhibit a very curious and desirable piece of Professional * Biography; but

* A modern Biographer being desirous of writing, among others, the Life of Lord MANSFIELD, entreated his Lordship to furnish materials, in addition to those he already had, as he wished to perpetuate the memory of so great a Luminary of the Law. The answer given by his Lordship was as follows :—" My success in life is not very remarkable ; my father was a man of rank and fashion ; early in life I was introduced into the best company, and my circumstances enabled me to support the character of a man of fortune. To these advantages I chiefly owe my success ; and therefore my life cannot be very interesting ; but if you wish to employ your abilities in writing the life of a truly great and wonderful man in our profession, take the

but marking only a *very faint outline* of this exalted Character (and we profess no more) with sufficient *comprehensive* propriety, would require a review of every striking political and legal incident in Parliament, and the Courts of Justice, during the present and preceding reigns, and would consequently very far transcend our limits. MANSFIELD is a constellation that has illumined *both*; equally the pride of Sovereignty in GEORGE the SECOND, and GEORGE the THIRD.

Genius is of no country, in other words, it is not exclusively confined to any, but found occasionally in all ;

“ From Indus to the Pole.”

Lord MANSFIELD was born in *Scotland*.* The goddess *Suada*, very early enthroned

the life of Lord HARDWICKE for your object ; he was indeed a wonderful character—he became Chief Justice of England and Chancellor, from his own abilities and virtues—for he was the son of a peasant.”

* He was educated at Westminster School ; and went afterwards to Christ Church College, Oxford, in 1724, where

throned herself upon his lips. He gave the earliest indication of a fine genius, and of a disposition to cultivate it by application. It is yet the traditionary tale of his country, that, almost in infancy, he was accustomed to declaim upon his native

where he continued many years; and took the degree of Doctor of Laws. In 1728, he made a celebrated Exercise in verse, to which the first prize was adjudged.—A very elegant picture of his Lordship, as large as life, is over the door in the hall, which is triumphantly shewn to all strangers. After a short time spent in travel, he studied the Law in Lincoln's-Inn, and was called to the bar in 1731. He came into full business immediately :—there was no interval between his first appearance and his being universally resorted to upon all matters of consequence. The ground which fortune had given him, he maintained with great applause : he grew every day in reputation, and made a shining figure at the bar on every public, solemn, and interesting occasion. In November, 1742, he was appointed Solicitor General. He was member of the House of Commons from that time till he was called to the House of Peers, and took a distinguished part in all debates of consequence.—In April, 1754, he was made Attorney General.—It is still remembered, that during the time he held his office, he succeeded in many causes, civil and criminal, for the King, and never lost one ; because he made it a rule that the King should always be clearly in the right ; and the moment the case appeared doubtful, he threw it up.

In

tive mountains, and repeat to the envied winds the most celebrated speeches of DEMOSTHENES and CICERO, not only in their original text, but in his own inimitable translations of them.

His

In November, 1756, he was appointed Chief Justice, and immediately after being sworn into office, the Great Seal was put to a patent, creating him BARON of MANSFIELD, in the county of Nottingham, with limitation to the heirs male of his body. From that time the business of the Court of King's Bench was immense. His Lordship was immediately sworn of the Privy Council, who for many years almost singly relied upon him in the determination of all causes relative to prizes, and the plantations. The precision, the impartiality, the consummate knowledge, the clear discernment and dispatch with which these causes have been determined, are the admiration of the world; and though the number has been almost incredible, the value prodigious, and frequently the most difficult, arduous, and important, the captors, and all parties concerned, have acquiesced in the justice, wisdom, and propriety of his determinations.

His Lordship was called to the Cabinet Council of the late King, and of his present Majesty, by whom he was created an Earl, in October, 1776. In April, 1757, he was appointed Chancellor of the Exchequer; and was afterwards one of the Commissioners of the Great Seal, and presided in Chancery, the admiration of the Court and of the World.

His accomplishments as a gentleman, were not inferior to his acquisitions as a scholar. He is painted by the great British Bard, as possessing both in their farthest extent, as

“ Equal the injur’d to defend,

“ To charm the Mistress, or to fix the Friend.”

His fame will be co-eternal with the English language. POPE has recorded it, and lamented his secession from the service of the Belles Lettres and the Muses, to the profession of the law, in this memorable line—

“ How sweet an OVID was in MURRAY lost !”

And had he not been in some degree formalized by the shackles of a law education, and extended his studies to those, emphatically called “ *Literæ Humaniores*,” there is no doubt of his having stood first in that walk of literature. He was the delight and ornament of the drawing-room, and his company equally sought by the gay and the serious. A certain suavity of manners the most polished and engaging, accompanied

D

by

by peculiar charms of conversation, operated like the power of the loadstone, to universal attraction.

Fame instantaneously announced his "Call to the bar," and distinguished him as unrivalled in oratory, at an æra too, when the followers of the profession were *Goliaths* of ability and power. It was very early after his appearance in his professional character, that he was employed on an important occasion, at the bar of the House of Commons; where he so eminently distinguished himself, that Sir ROBERT WALPOLE declared the merit of his speech to be so great, that it almost appeared to him to be an oration of CICERO. Mr. PULTENEY in the same instant rose to complete the eulogium, by observing, that he not only could imagine the speech which had been just delivered was the composition of CICERO, but that the Roman orator had himself pronounced it. Thus these two great men, who hated and opposed each other with so much rancour, *in this single instance*

instance united, to compose the most brilliant panegyric, that was, perhaps, ever bestowed on rising merit. The splendour of glory which he obtained by his campaigns at the bar, had no parallel.

In his *political oratory*,* (as a SPEAKER in the House of Commons) if he was not without a rival, no one had the honour of *surpassing* him; and let it be remembered, that his competitor was PITT.

The Rhetorician that addressed himself to TULLY in these memorable words,

“ *De-*

* In 1766, he opposed the measures of government under Lord ROCKINGHAM, particularly in the famous question on the Repeal of the Stamp Act. The celebrated Protest which followed the Repeal, was said to have been drawn up under his Lordship's immediate inspection, and was looked upon at the time as one of the most able performances ever entered on the Records of Parliament. In 1767 he supported the Port Duties, proposed in the House by the Chancellor of the Exchequer. In 1770, he supported the partial repeal of those duties, and continuing the duty on tea.

“ *Demosthenes tibi præripuit, ne primus esses orator, Tu illi, ne solus,*” anticipated their application to MANSFIELD and PITT.—If the one possessed DEMOSTHENEAN fire and energy, the other was at least a CICERO. Their oratory differed in species, but was equal in merit. There was at least no superiority on the side of PITT.—MANSFIELD’S eloquence was not indeed of that daring, bold, declamatory kind, so irresistibly powerful in the momentary bustle of popular assemblies ; but it was possessive of that pure and attic spirit, and seductive power of persuasion, that delights, instructs, and *eventually* triumphs. It has been very beautifully and justly compared to a river, that meanders through verdant meads and flowery gardens, reflecting in it’s chrystal bosom the varied objects that adorn it’s banks, and refreshing the country through which it flows.

To illustrate his oratory by example, would require voluminous transcripts from
the

the records of Parliament,* and it is unnecessary, as we can appeal to *living* recollection.

When he speaks,

The air, a charter'd libertine, is still,
And the mute wonder lurketh in men's ears,
And steals his sweet and honied sentences.—
Hear him but reason in divinity,
And all-admiring with an inward wish,
You would suppose him the most learned prelate:
Hear him debate of commonwealth affairs,
You'd say it hath been all-in-all his study.
List his discourse of war, and you shall hear
A fearful battle rendered you in music.
Turn him to any cause of policy;
The Gordian Knot of it he will unloose,
Familiar as his garter.

SHAKESPEARE.

Having added weight and dignity to the seats of *Attorney* and *Solicitor General*, his reputation as a *speaker*, a *lawyer*, and a *politician*, elevated him to the Peerage, and the exalted post of *Chief Justice of England*. He ascended to the dignities of state by rapid strides: they were not bestowed by the caprice of party favour, or affection. They were (as was said of *PLINY*) liberal dispensations of power upon an object that knew how to add new lustre to that power, by the rational exertion of his own.

Here

* See the parliamentary debates, EVERY WHERE.

Here we can speak of this great man within our own recollection ; and however party-prejudices may adopt their different favourites, and each contend in detracting from the merit of the other, it is, we believe, generally understood, that *precedence* is allowed to the EARL of MANSFIELD, as the first magistrate that ever so pre-eminently graced that important station. The wisdom of his decisions, and unbiaſſed tenor of his public conduct, will be held in veneration by the ſages of the law, as long as the ſpirit of the conſtitution, and juſt notions of equity continue to have exiſtence. No man has in an equal degree, poſſeſſed that wonderful ſagacity in diſcovering chicanery and artifice, and ſeparating fallacy from truth, and ſophiſtry from argument, ſo as to hit *the exact equity of the caſe*. He never permitted juſtice to be *ſtrangled* in the nets of form.

His memory was aſtoniſhing ; he
 “ never (when ſitting upon the bench)
 “ took any notes, or if he did, ſeldom or ever
 “ conſulted

“ consulted them.” His * references to expressions which fell from him in the course of debate, and his quotations from books, were so faithful, that they might have been said to have been repeated *verbatim*. The purposes to which he employed these amazing talents, were still more extraordinary : if it was the weak part of his opponent’s arguments, that he referred to, he was sure to expose its fallacy, weakness, or absurdity in the most poignant satire, or hold it up in the most ridiculous point of view. If, on the contrary, it were a point on which his adversaries lay their chief stress, he stated the words correctly, collected their obvious meaning, considered the force of the several arguments that had or might have been raised upon them, with a precision that would induce an auditor almost to suppose that he had previously considered the whole, and that his speech was the result of much previous study and deliberation.

* See Review of Political Characters, 8vo. 1777.

It may be said of MANSFIELD as of VIRGIL,* that if he had any faults, they might be considered in the same manner with those of some eminent fixed star, which, if they exist at all, are above the reach of human observation. The luminous æther of his life was not obscured by any shade dark enough to be denominated a defect. On account of his descent, local prejudices and propensities were imputed to him, and his conduct on that account examined with a *microscopic* eye,† but the optic through which it was viewed, possessed a *party tinge* equally odious and deceptive.

His political principles were ever *consistent*; and to preserve *consistency* in such stations and in such times as occupied the life of MANSFIELD, constitute an *ordeal* strongly impressivè of virtue. It has been said that he wanted spirit! Is the uniform opposition

* See Burton's Classical Remains, Tit. VIRGIL.

† See the celebrated *corrosive* Letters of JUNIUS.

opposition of popular opinion, and apparently the contempt of it, any proof of the assertion? His speech and conduct in the affair of WILKES's outlawry, when popular prejudice ran in torrents, illustrate each other; the lustre of his eloquence was something more than human; and the *firm integrity* of the judge was the emanation of a Divinity.* Here DEMOSTHE-

NE'S

* *Extract of his Lordship's Speech, &c.*

"If I have ever supported the King's measures; if I have ever afforded any assistance to Government; if I have discharged my duty as a public or private officer, by endeavouring to preserve pure and perfect the principles of the constitution; maintaining unsullied the honour of the courts of justice; and, by an upright administration of, to give a due effect to the laws, I have hitherto done it without any other gift or reward than that most pleasing and most honourable one, the conscientious conviction of doing what was right. I do not affect to scorn the opinion of mankind; I wish earnestly for popularity; I will seek and will have popularity; but I will tell you how I will obtain it; I will have that popularity which *follows*; and not that which is *run after*. 'Tis not the applause of a day, 'tis not the huzzas of thousands, that can give a moment's satisfaction to a rational being; that man's mind must indeed be a weak one, and his ambition of a most de-

praved

nes and TULLY shrink from the comparison; here acknowledged superiority stands

proved sort, who can be captivated by such wretched allurements, or satisfied with such momentary gratifications. I say with the Roman orator, and can say it with as much truth as he did, "*Ego hoc animo semper fui, ut invidiam virtute partam, gloriam, non infamiam, putarem.*" But threats have been carried further; personal violence has been denounced, unless public humour be complied with. I do not fear such threats; I don't believe there is any reason to fear them; 'tis not the genius of the worst of men in the worst of times to proceed to such shocking extremities: but, if such an event should happen, let it be so; even such an event might be productive of wholesome effects; such a stroke might rouse the better part of the nation from their lethargic condition to a state of activity, to assert and execute the law, and punish the daring and impious hands which had violated it; and those who now supinely behold the danger which threatens all liberty, from the most abandoned licentiousness, might, by such an event, be awakened to a sense of their situation, as drunken men are oftentimes stunned into sobriety. If the security of our persons and property, of all we hold dear and valuable, are to depend upon the caprice of a giddy multitude, or to be at the disposal of a mob; if, in compliance with the humours, and to appease the clamours of those, all civil and political institutions are to be disregarded or overthrown, a life, somewhat more than sixty, is not worth pre-

stands confessed ; here the exulting BRITON may exclaim—

Cedite Romani, cedite Graii !

He despised (to borrow an expression of his own) that mushroom popularity that is raised without merit, and lost without a crime :—he disdained being the slave of popular impulse, or to acknowledge the shouts of a mob for the trumpet of fame.

Another instance, at least, of great personal courage, was the unpopular maxim that he struggled to introduce into common acceptation respecting the incapacity of juries to determine in cases of libel further than the fact of publication. This doctrine excited a general perturbation without, and an extensive execration within doors : a doctrine which divided the opinions

preserving at such a price ; and he can never die too soon, who lays down his life in support and vindication of the policy, the government, and the constitution of his country."

nions of men, who were apt, on *all other* occasions, to coincide with his Lordship; and to take his word with as ready currency as the coin of the kingdom.*

As

* The construction that his Lordship endeavoured to put on the verdict given by the jury in Woodfall's trial, and his conduct on the Bench, when an arrest of judgment was moved for, were much reprobated at the time. Lord Chatham's speech on the occasion, in Dec. 1770, is yet remembered: it ran to this purport: "My Lords, the verdict given in Woodfall's trial was *guilty of printing and publishing ONLY*; upon which two motions were made in Court, one in arrest of judgment by the defendant's Counsel, grounded on the ambiguity of the verdict; the other by the Counsel for the Crown, for a rule upon the defendant to shew cause why the verdict should not be entered up, according to the legal import of the words. On both motions a rule was granted, and, soon after, the matter was argued before the Court of King's Bench. The noble Judge, when he delivered the opinion of the Court upon the verdict, went regularly through the whole of the proceedings at *Nisi Prius*, as well the evidence that had been given as his own charge to the jury: This proceeding would have been very proper, had a motion been made on either side for a new trial; because either a verdict given contrary to evidence, or an improper charge by the Judge at *Nisi Prius*, is held to be a sufficient ground for granting a new trial. But, when a motion is made in ar-

rest

As a Speaker in the House of Lords, where was his competitor? The grace of his action, the fire and vivacity of his looks, are still present to imagination: and the harmony of his voice yet vibrates in the ear of those who have been accustomed to listen to him,

His Lordship possessed the strongest powers of discrimination:—his language was elegant and perspicuous, arranged with the happiest method, and applied with

rest of judgment, or for establishing the verdict, by entering it up according to the legal import of the words, it must be on the ground of something appearing *on the face of the record*; and the Court, in considering whether the verdict shall be established or not, are so confined to the *record*, that they cannot take notice of any thing that does not appear on the face of it; in legal phrase, *they cannot travel out of the record*. The noble Judge did travel out of the record; and, I affirm, that his discourse was *irregular, extra-judicial, and unprecedented*. His apparent motive for doing what he knew to be wrong was, that he might have an opportunity of telling the public *extra-judicially*, that the other three Judges concurred in the doctrine laid down in his charge.”

with the utmost extent of human ingenuity. His images were often bold, and always just; but the character of his eloquence is that of being *flowing, soft, delightful, and affecting*. His genius, says a modern writer, is comprehensive and penetrating, and when he judges it necessary, he pours forth sounds the most seductive, equally calculated to persuade and to convince. Among his more rare qualifications (says he), may be added the external graces of his person, the piercing eye, the fine-toned voice and harmonious elocution, and that happy arrangement which possesses all the accuracy and elegance of the most laboured compositions. He was modest and unassuming; never descending to personal altercation, or replying to personal reflections. He preserved his own dignity, and that of the House over which he had very deservedly, for a great number of years, an uncontrolled and almost an unlimited influence.

His

His Lordship quitting the profession, by abdicating his seat * upon the Bench, of which he had been thirty years an illustrious ornament, exhibited a very affecting and awful scene. We see the *children* of eloquence taking a last farewell of their *parent*. He retired full of glory; the rays of which lend a lustre to the shade of his retreat, and beam forth their splendor round him.† His relinquishment of office, forms an important epoch in the annals of English jurisprudence.

* See the letters that passed between his Lordship and the BAR, through Mr. ERSKINE.

† His Lordship is supposed immensely rich. The principal part of his property is said to be invested in mortgages, to the amount of 250,000*l.* in Ireland.

His Lordship suffered greatly during the riots of 1780, for which however, he nobly refused all reparation. The following is a copy of his Lordship's letter to Mr. KEENE upon the subject, dated 21st August, 1780,

“ S I R,

“ I am extremely obliged to you, for your attention in calling upon me before I went the circuit, and last Friday again since my return, and in now communicating to me,
by

jurisprudence. This great and superior person, the rare endowments of whose mind have so long and so deservedly sustained him in the seat of the Chief Criminal Justice of England, has seen his popularity

by your letter of Saturday, the unanimous vote of the House of Commons of the 6th July, and the reference of the Lords of the Treasury of the 18th July to your Board, and desiring me to enable you to comply with the order of the Lords of the Treasury; and so far as I am concerned, I return you my thanks for your great civility.

“ Besides what is irreparable, my pecuniary loss is great—I apprehended no danger, and therefore took no precaution; but how great soever that loss may be, I think it does not become me to claim or expect reparation from the state. I have made up my mind to bear my misfortunes as I ought, with this consolation, that it came from those whose object manifestly was general confusion and destruction at home, in addition to a dangerous and complicated war abroad. If I should lay before you any account or computation of the pecuniary damage I have sustained, it might seem a claim or expectation of being indemnified, therefore you will have no further trouble from

“ Your most obedient,

“ Humble servant,

“ MANSFIELD.”

rity survive even the rude attacks of *Ju-
nius*, and bloom anew in the evening of
his life. We now view him, like the
great luminary of the world, gently de-
scending to the west, with all his magni-
tude, but without his effulgence, diffusing
a mild and delightful influence, in ex-
change for the lustre of his pristine radi-
ance.* The laurel is yet alive upon his
venerable

* Others have held a very different opinion of this
great Character, and therefore it is but fair to subjoin a
sketch drawn some years back, by a different master possessed
of very different sentiments, and who has laid on his co-
lours with a very bold hand :

“ Lord MANSFIELD is perhaps the only man in England
whose capacity never has been disputed. In this respect,
courtiers and patriots alike have been lavish in his praise.
His talents, notwithstanding, are somewhat equivocal ;
and, if carefully examined, will be found to be below that
standard at which they have been fixed by a long and vul-
gar prescription. The nervous oratory of Lord Chatham
has not unfrequently disconcerted him ; and when opposed
by the cultivated powers of Lord Camden, his agitation
discovered that he dreaded him as a superior. Master of
a most

venerable brow, but must be very soon transplanted from his temple to his tomb.

It is now generally understood, that new Courts of Justice, and a House of Parliament are about being erected, in lieu of that venerable pile which has been the pride of so many ages. This looks like the effect

a most refined plausibility, he has been artful enough to acquire a high reputation, and prudent enough to support it. But talents like these are ever possessed by men of confined capacities alone. An imposing manner, an insinuating voice, and the quickness of his eye, are the chief ingredients of his eloquence : with these charms he fascinates the unsuspicious, and deceives the undiscerning. Hence his speeches, when examined in the closet, are no longer eloquent ; they do not convince us, they do not please. We are surprised how we could have heard with applause, what we read without approbation. We discover in them no ingenuity, no strength of argument, no force of thought, no eloquence of expression.

“The rapidity with which he proceeded in the decision of suits has been ascribed to the acuteness of his parts ; it was a consequence, however, of his experience in business : and while he has been seduced by it to pronounce
suspicious,

effect of *sympathy*, as if the old hall mourned his absence, and, unable to survive the loss of so much eloquence and virtue,
im-

suspicious, and sometimes contradictory judgments, it will prove a source of fruitful mistake to his successors. More versant in the Roman than in the English jurisprudence, he is guided more by general rules of equity than by principles of law. He is apt to assume an unpardonable latitude in the interpretation of statutes, and to decide upon them not as they are, but as he conceives they ought to be; he would submit the acts of the legislature to the discretion of a judge. A favourer of arbitrary power by education and principle, he is continually opposing his talents to the interests of liberty. In a situation where he might advance the good of his country, he plans its destruction. While he might preserve the essential parts of the constitution, he sacrifices his integrity to party. While he ought to be moderate, he is extravagant: his prejudices triumph over his reason; his passions over his duty. He fosters by his counsels the distraction of a nation, and gives rise to those perpetual indiscretions that disgrace government. His hesitation and irresolute temper he seems to have communicated to the members of administration: measures are adopted, now daring and atrocious, now timid and scrupulous; now marked by the boldest characters of tyranny, and now wearing the meanest aspect of slavery.

“ A reputation, for which he has been indebted to the extent of his memory, and, to the possession of showy, rather than

immediately drooped and decayed on removal of its greatest ornament.

Conspicuous scene! another yet is nigh,
More silent far, where Kings and Poets lie;
Where *Murray*, long enough his country's pride,
Shall be no more than *Tully* or than *Hyde*.

than of solid parts, must necessarily decline. His avidity of fame will be punished by abundance of contempt, and his thirst of power will be quenched by general execration. The favour of his Sovereign will not preserve him from the detestation of the world."

A VERY LITTLE DISINTERESTED AND DISPASSIONATE ENQUIRY IS, HOWEVER, SUFFICIENT TO OBVIATE THE GROUNDLESS CHARGES WITH WHICH THIS CHARACTER OF HIS LORDSHIP IS SO PREGNANT.

The most general charge against Lord Mansfield, as a Judge, has been, that he attempted to change the King's Bench, a Court of Common Law, into a Court of Equity; and that, instead of those positive rules by which the judgment of a Court of Law should be invariably determined, he has introduced his own notions of *equity* and *substantial justice*.

Whether this charge be true or false, it is certainly the most singular that ever was brought against a common law judge. It has constantly been considered as the reproach of

of

of the men of this order, that they love to adhere to *law* in opposition to *equity*; that they would rather kill by the *letter* than save by the *spirit*; and that they always murmur, and sometimes clamour, let reason determine ever so rightly, if it determines otherwise than the law directs.

An example may here be of use. The trial of Sir William Friend, Sir William Parkyns, and others, on the assassination plot, came to be heard after the bill for the provision of counsel learned in the law had received the royal assent, but before the commencement of its operation as a statute.

“ I intreat,” said Parkyns, “ that I may have the allowance of counsel : I have no skill in indictments : I do not understand these matters ; nor what advantages may be proper for me to take. The new statute wants but one day. What is just and reasonable to-morrow, surely is just and reasonable to-day :—and your Lordship,” addressing himself to the Chief Justice, “ may indulge me in this case.”

“ But,” says the humane author of the *principles of penal laws*, “ Chief Justice Holt was too good a Judge to suffer the stubborn maxims of *Law* to yield to the milder interpretations of *Equity*.”

“ We cannot,” he replied, “ alter the law till law-makers direct us : we must conform to the law as it is at present, not what it will be to-morrow.”

This, as far as I can learn, has been at all times the temper of lawyers : they are not only angry when things
are

are done against forms, but when they are done without them : they hate to have any cause determined by equity. Why ?—it will perhaps be asked—Not, I presume, from any natural aversion to equity, for it would be absurd to suppose a disposition peculiar to any order of men ; but from its tendency to supersede law. All orders hate, and ever will hate, whatever tends to lessen the consequence of their profession. Divines hate morality, when opposed to religion ; and physicians hate regimen, when opposed to medicine.

Human nature upon this head is uniform. “ Reverence “ yourself,” is a maxim in philosophy. Now man’s second self is his profession ; nay, in fact, it is often his first : and no body of men have ever revered themselves more sincerely as an order, than the professors of the law. If Lord-Mansfield therefore has, at times, departed from the *letter*, that he might adhere to the *spirit* of the law ; if, in a court of common law, he has occasionally judged cases according to the rules of equity ; or, as his enemies do him the honour to call it, *substantial justice* ; he can only be supposed to have acted from a principle of conscience ; as he could never hope, by such a conduct, to rise in the opinion of the bar, while he exposed himself to the censure of ignorance, malevolence and envy.

Another charge, and a very weighty one, against his Lordship is, that he meant to destroy the Liberty of the Press, which has been justly called the *Palladium* of all the civil, political, and religious rights of an Englishman ; and it has been further said, that no particular abuses
ought

ought to produce a forfeiture of this liberty. I shall not pretend to determine whether they *ought* or not ; but if our licentious manners continue, they most assuredly *will*: for never did an envenomed scurrility against every thing sacred and civil, public and private, rage throughout any kingdom with such a furious and unbridled licence.

The constitution of things is such, that extremes inevitably produce extremes. The abuse of any thing necessarily destroys its use. If a people grow licentious and ungovernable, it is as natural perhaps, as necessary, for their Rulers to increase restraint, as it is for a rider to tighten the reins, in proportion to the curvetting and unmanageableness of his horse.

A third charge against Lord Mansfield is, that he invaded the constitutional power of Juries, by confining their judgment to the *matter of fact*, and not suffering them to touch upon the *matter of law*.

Trial by Jury is an essential part of our constitution, but many people think it highly absurd, that such persons as usually compose a jury should be made judges in matters of law ; and would by all means confine their judgment to the *matter of fact*. If this, therefore, should be his Lordship's opinion, as perhaps it in great measure is, he is by no means singular in it. All our law books insist upon vicinity, as the prime and essential qualification of a jurymen ; that is, that he be chosen out of the neighbourhood where the fact is supposed to have been committed : *de vicineto, ubi factum supponitur*, says Fortescue : because, as they write, *vicinus facta vicini præsumitur scire*, the nearer the

the fact, the more perfect may be supposed his knowledge of it; but they say little or nothing of his qualifications in law; and consequently include only half the idea of a jurymen, according to those who would have him a judge of law, as well as of fact.

There is a passage in Bracton, which seems to shew, that in Henry the Third's time, it was the duty of the judge to control the verdict of the jury; and Lord Clarendon declares himself positively, that the jury are not to judge of the law; and speaks contemptuously of Hobbes for making them judges of law, as well as fact. But however Hobbes may have forgot himself in the passage which his Lordship censures, he elsewhere expressly says, "That these twelve men, the jury, are no court of equity or of justice; because they determine not what is just or unjust, but only whether it be done or not: and their judgment is nothing else but a confirmation of that which is properly the judgment of the witnesses."

To these respectable authorities, I shall add that of the great Montesquieu, who resided some time in England; and in his admirable work, *The Spirit of Laws*, says, "*En Angleterre, les jurés decident, si l'accusé est coupable ou non du fait, qui a été porté devant eux.*"—"In England, juries determine whether or not the accused is guilty of the fact brought before them."

It cannot however be denied, that LITTLETON says, "If the jury will take upon them the knowledge of the law upon the matter, they may;" to which
Lord

Lord Coke agrees in his comment on the passage : but it seems unreasonable that they ever *should*. How is it possible for uninstructed, though honest, and perhaps sensible men, to judge of the nature of crimes and punishments?— I know indeed it has been said, if they are not judges of *law* as well as of *fact*, how can they pronounce any man *guilty* or *not guilty*? Nothing, in my mind, is more simple, unless recourse be had to quibble. The judge explains the nature of the crime; the jury consequently know the punishment due to it; the verdict then follows from the competency or incompetency of the evidence, as distinctly as if the original conception of the crime had been their's. I cannot, therefore, see how Lord Mansfield is reproachable, for considering English juries in the same light with the most respectable lawyers of the past and present ages; or how a constitutional right can be said to be invaded, while law is doubtful of its validity, and reason prescribes its existence.

After having examined the accusations brought against his Lordship in his judicial capacity, let us listen to what is said of him in his political one. And here we are told he was a Jacobite, and an abettor of despotism. How inconsistent are the enemies of this man! One while they describe him as of powers transcendent, knowing and pervading almost every thing; as a being of a superior order, incapable of erring, unless by design. But lo! while we contemplate this extraordinary personage, who surveys the system of human affairs through the medium of pure reason, we are suddenly presented with a very different kind of figure from that which filled our hearts with awe. The great being disappears, and in his place we discover a
little

little vulgar mortal, a dupe to prejudices of the meanest kind, and to passions as contemptible as their objects.— What could Lord Mansfield hope for from the Pretender, whose image, we are told, he carried secretly in his bosom, whose person, he is said to reverence and adore? Could he ever expect to have been greater in the Court of Charles the Third, than in that of George the Third? Where it is cause of accusation against him, that while he would be thought to take no share in government, he was in reality the main-spring of the machine. If his Lordship was therefore at the head of the ministry, as well as at the head of the law, it would puzzle a conjurer to see what he could get by a revolution; and to suppose a statesman to forward such an event, without any motives of interest or ambition, is a conceit too absurd to deserve an answer,

THE RIGHT HONOURABLE

The EARL of CAMDEN.*

—OLIM TROJA FUIT—FUIT ILLE.—

VIRG.

IT is the observation of an elegant Historian, that there is an ultimate point of *depression*, as well as of *exaltation*, when human affairs naturally return in a contrary progress, and beyond which they seldom proceed, either in their advancement or decline.—The observation applies with equal truth to the human *character*, and pointedly so, to the character before us. Viewing the *once* great Lord CAMDEN in all his pristine glory, we are compelled to confess,

* SEE the accounts given of Lord CAMDEN, in the Review of Parliamentary Characters, 8vo. 1777. The Royal Register; and European Magazine.

confess, that antiquity boasts *few*, and modern history *none* more illustrious. Perfectly skilled in the laws and constitution of his country, equally eminent in wisdom, and eloquent in debate, CAMDEN was *once* their favoured champion and defender !——*NO W*

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CHARLES PRATT, Earl CAMDEN, is the eighth son of Sir JOHN PRATT, Lord Chief Justice of the Court of King's Bench in the reign of George the First, by his second Lady, ELIZABETH. His father died in 1724, leaving this son an infant, and (as is said) with a slender provision.

He received his education at *Eton*, from whence, in 1731, he was sent to *King's College, Cambrdige*, of which society, he became a Fellow.—In 1735, he took the degree

degree of *Batchelor* of *Arts*, and that of *Master* in 1739 ; very soon after which, fixing on the law for his profession, he entered himself a Member of one of the Inns of Court.*

He possessed a penetrating and lively genius† that led him, with ease, through the most abstruse studies.—His conception was remarkably quick and clear, and his fine talents highly cultivated.

After

* We believe the Middle Temple—When admitted of Lincoln's-Inn, in 1757, he was one of the King's Counsel.

† This great man is said to be particularly fond of amusing himself with the fairy works of romantic writers ; and that *Clelia*, *Cassandra*, and similar productions, have been the favourites of his leisure hours. By the pedantic and phlegmatic, these may be denominated puerile and trifling ; but, without entering into a defence of the old writers of romance, which are so superior, in point of instruction, to modern novels, I feel a degree of admiration of those abilities which the barren, dry, and continued pursuits of law erudition cannot subdue into the dullness of professional insensibility, but still preserve a real feeling for the flowers of fancy and the works of genius—*Note in the Royal Register.*

After the usual period of admission, he was called to the bar, where, for several years, his practice was so inconsiderable, as almost to produce despondency; and it is reported, that he gradually beheld his small patrimony mouldering away, without hopes of bettering, or even retrieving his circumstances by professional exertions: and that so inadequate was his encouragement to his expectations, that he had at one period determined at once to abandon his profession and his country. These obstacles were, however, happily removed by perseverance.

About this period, his school-fellow and collegiate friend, Dr. SNEYD DAVIES, addressed his beautiful Poetic Epistle to him, in which, after painting the pleasures of their youthful intercourse, and the transition from that happier period of life to manhood, and its more worldly pursuits, he encouraged him by the examples of COWPER, TALBOT, SOMERS, and YORKE.

Whether

Whether this advice, by stimulating his hopes, added additional elasticity to his professional pursuits, certain it is, that his diligence was soon after noticed and rewarded; and it is recorded of him, that he conducted himself, through the course of great practice, with the highest credit and reputation.

He was a *popular* lawyer, and ever forward to defend the rights of the people. When OWEN was tried for publishing the case of ALEXANDER MURRAY, in 1752, Mr. PRATT was one of his counsel, and signalized himself by a very able constitutional argument on that occasion.

At the general election of 1754, he was chosen member for *Downton*,* and at this period,

* On a bill being proposed in the House of Commons to extend the benefits of the Habeas Corpus Act, which however did not pass, he is said to have written the pamphlet intituled, "An Enquiry into the Nature and Effect of the Habeas Corpus Act." 8vo. 1755.

period, he was certainly considered the most rising advocate at the bar ; at a time too, when some of the ablest men then living were exercising their talents on the same ground.

In 1759, Mr. PRATT was chosen *Recorder of Bath*,* probably through the interest of Lord CHATHAM, (then Mr. PITT,) between whom a firm, lasting, and well-cemented friendship seems to have subsisted through life.

In the same year, he was appointed, *at once*, without passing the usual gradation, to the office of *Attorney General*, on the advancement of Lord NORTHINGTON to the seals.

In

* His Lordship, some few years ago, took a very active part in the disputes between the subscribers to the upper and lower rooms at Bath. He exerted himself with uncommon ardour in support of the latter, to his general influence adding personal application ; and not confining his zeal to private society, he constantly attended the public meetings, where he suggested the measures to be pursued.

In 1760, he was chosen Member for *Bath*; and in 1761 appointed *Chief Justice of the Common Pleas*, and knighted on the death of Sir JOHN WILLES. It was during his presidency in this Court, that WILKES's case came before him for decision; and his determination will ever do him honour, as a just, able, and learned lawyer; and a bold and unbiaſſed defender of the rights of the people. In the laurelled wreath that binds his brow, this is a leaf that will remain for ever green, to adorn the withered bough.

In July, 1765, he was advanced to the dignity of a *Peer of Great Britain*, by the title of Lord CAMDEN, *Baron of Camden*, in the County of *Kent*.

On the 30th of July, 1766, upon the change of ministry, formed by Lord CHATHAM, he was created *Lord High Chancellor*; a post he also held with equal honour to himself, and satisfaction to the

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suits

suitors and practisers of the Court, until his resignation in the year 1770 :—but it ought not to pass unrecorded, that soon after his promotion to this high office, the late celebrated *constitutional judge* was heard to defend, as *Chancellor*, a measure *avowedly illegal and unconstitutional*.

The *then Mayor of London* (a cornfactor,) had alarmed the ministry with an account of a short crop of corn at home, a failure of the harvest all over Europe, and a rapid exportation under the corn laws. The business was debated in council, *when the exportation was forbid by royal proclamation*. This was considered as more dangerous than even the case of *ship-money*, as an attack on the constitution, and an invasion of the laws. His Lordship defended the measure on the ground of *state necessity*; and, upon this occasion, not only fixed the exercise of the Royal prerogative in the first Magistrate, but endeavoured to invest him with the *option*, *WHEN*, and *ON WHAT OCCASIONS* (with the advice of
of

of the privy council) that prerogative might be exercised, in contradiction to the known laws of the land, and the acknowledged principles of the constitution.

In the year 1770, disapproving the measures of administration respecting *America*, he resigned,* and from this period, became the warm and determined enemy of that system, which was so fatally pursued during the administration of Lord NORTH.

Dismissed from his rank and office, he retired with the same dignity with which he had sustained it; proving that he had *once* more virtue than his enemies, and, consequently, more honour; that he had *once* universal fame and admiration—the *dupe of no minister, nor the supporter of any measure of which the object was not the interest of his country.*

No

* It has been said, he did not voluntarily quit his official station, but (in less courtly phrase) was turned out—for an antiministerial vote. This was spiritedly asserted by Lord CHATHAM, but denied by administration.

No man is more amiable in private life ; and, when removed from the bustle of public business, his many social virtues shine in the lustre of private excellence.

There is nothing *lukewarm* in this Nobleman's temper: on whatever side he engages, he discovers the energy of his feelings, and the force of his understanding. The rebellion in America, was, perhaps, first fanned into flame by his *subtle, fine-spun* arguments in favour of the colonists.— From the warmth of his heart, and the vigour of his abilities, his capacity to support his friends, bears an equal proportion to the power of attacking his enemies.

He opposed in the House of Lords, some legal opinions pronounced in the Court of King's Bench, on the doctrine of libels, and on other constitutional subjects, in which he was supported
by

by his great and noble friend the Earl of CHATHAM.

On the 17th of March, 1782, he was appointed *President of the Council*, a post which he resigned in 1783, but has since resumed, and yet retains.

He was equally able as a lawyer and an advocate. All his speeches have a sweet simplicity, an exquisite grace, a clearness, and (to borrow an expression of Sir WM. JONES, speaking of LYSIAS, the Grecian orator) a *transparency*, which is more easily conceived than defined, admired than imitated, and which is analogous to gracefulness in motion, and melody in a series of sounds.—He *simplifies* every thing, and delivers his opinions with a *plainness* that captivates while it enlightens, so that if *Truth* should assume a human voice and form, she could use no other language.*

His

* SEE the learned Prefatory Discourse to Sir William Jones's Translation of *Isæus*.

His parliamentary abilities are unquestionably great, and he is, perhaps, superior to every one but Fox, in depth of reasoning and logical definition. He never leaves his antagonist an opening; and, if he ever addresses the passions, it is through the medium of argument. He would be no match for Fox or DEMOSTHENES in *haranguing* a popular assembly, but he would equal them in an *Areopagus*. He is fond of first principles, of which he never loses sight. His style is cool, deliberate and persuasive: his volubility, choice of language, and flow of ideas, are inexhaustible; neither is his judgment any way inferior to his oratory.

The human mind is *pained* in *contrasting* the meridian splendor of this *once* luminous character with its present *dusky declension*. He, who *was* the champion of liberty, the friend of CHATHAM, and the competitor of MANSFIELD; he, who once shunned no public question, and who was, consequently,

quently, followed by the admiration and gratitude of the kingdom, seems now exerting only the *languid remains* of eloquence, and exhausting the dregs of wisdom, impregnated with the weakness of dotage, as if careless of the glory that *should* have concluded the career of his earlier fame.

The author of the "History of the
County of York" has been
very successful in his attempt to
bring the history of the county
before the public in a popular
and interesting manner. The
author has done his best to
bring the history of the county
before the public in a popular
and interesting manner.

THE RIGHT HONOURABLE

The EARL of BATHURST

GOODMAN *Verges*, Sir, speaks a little on the matter ; an old man, Sir, and his wits are not so blunt as, God help I would desire they were ; but in faith, as honest as the skin between his brows.—

GRATIANO speaks an infinite deal of nothing--his reasons are as two grains of wheat hid in two bushels of chaff ; you shall seek all day ere you find them, and then they are not worth the search.—

SHAKESPEARE,

IF general report be entitled to any credit, we may boldly write down, that the EARL of BATHURST became a great character *per force*—he was nursed in a political hot-bed, and raised *per fas aut nefas*. Nothing less than the same necessity introduces his
Lordship's

Lordship's name in the same page with those illustrious personages, which it is the purpose of this volume to pourtray:

The EARL of BATHURST, as the register proclaims, is descended of an illustrious family ; his father was the much celebrated nobleman whom POPE, in his tuneful numbers, so highly, so elegantly, and so justly panegyrised ; and SWIFT, in spight of his satyrical vein, and almost in contradiction of his nature, condescended to praise. The old earl was commonly known under the accepted description of one of *Queen Ann's Peers*, who, like some of later date, sprung up in an abundant and unexpected crop, in a single night. If, however, they had all owned the same pretensions with his Lordship, we should have supposed that the *batch* of new-made lordlings would have escaped a *general* name, which oftener originates from contempt, ther than a more ennobled principle.

The

The present EARL of BATHURST, by the force of natural conclusion, must be understood to have received an education liberal as his birth ; for he who is fond of the learned, by an undeniable axiom, must be equally attached to the arts which they profess.

At a very early period he was endued with the *Toga forensis*, and, much sooner than is common, exchanged the rough bombazeen for the more light and filken robe, that is the sure indication of professional advancement. He *travelled* all the *stages* of the law, with a rapidity that great power and interest can alone, in the same degree, accelerate.——His professional character in his several official situations, was never prominently conspicuous till that wonderful day, when he LEAPT at once into the foremost seat of the law.

Every individual member of the profession stood amazed ; but Time, the great reconciler

conciler of strange events, conciliated matters *even here*. It was seen, that the noble Earl was called upon from high authority to fill an important office, which no other could be conveniently found to occupy. Lord CAMDEN had retired without any abatement of *rooted* disgust, far beyond the reach of persuasion to remove. The great CHARLES YORKE, the unhappy victim of an unworldly sensibility, had just resigned the seals and an inestimable life together: where could the eye of administration be directed? The rage of party ran in torrents of fire. The then Attorney and Solicitor General were at the moment thought ineligible—perhaps too, the noble lord, then at the head of affairs, and who was yet *untried*, had a policy in not forwarding *transcendent* abilities to obscure his own. Every such apprehension vanished upon the present appointment—This man could raise no sensation of envy as a rival, or fear as an enemy.

He

He was made Chancellor in 1771 ; and on retiring from his situation in 1778, to make way for the present legal Atlas, was appointed Lord President of the Council.

He never entered the chancery court with a firm, dauntless step. The daring THURLOW, and the wary WEDDERBURN, frequented the haunts that he was equally necessitated daily to pursue, under a dread of their formidable talents.—These great men stood constantly opposed to each other, and it required the eye and nerve of a master to parry their oratorical assaults. Skilled equally to attack and to defend, it required the finest intellect, and that incessantly upon the stretch of exertion, to balance their powers, and preserve the scale of equity from unfair preponderance ; a task to which he was so unequal, that it has been averred by the wits, that even an OLD WOMAN had sufficient ability to vanquish his lordship in

in *his own* court.* In this recorded saying, the suit and it's determination concerning the ground on which he built the house at Hyde-park Corner, is evidently glanced at.—

As a speaker of the house of lords, and viewing him in a political light, this account must, from circumstances, be necessarily short. Such as had the fortune to behold his Lordship presiding at the table of the Lords, and have witnessed the superior dignity of Mansfield, and the awful aspect of Thurlow's fullen scowl, in the same elevated chair, will not, (we are persuaded) to speak mildly, pay a bad compliment to the *present*, in the recollection of *past* times : neither has his political life been marked with all the stubbornness of CATONIAN virtue ; happily for its owner, his disposition has been more accommoda-
ting

* ——— *Suo sibi* gladios hunc
Jugulo ———

ting and accordant to the temper of modern times.—He has occasionally taken part with every administration, from the glorious days of Lord CHATHAM, to the present degenerate æra of WILLIAM PITT.

He has been, at different times, the *locum tenens* of Lord Thurlow, when involuntary exclamation heaves from the heart of every beholder—HEU ! (they sigh)

—QUANTUM MUTATUS AB ILLO
HECTORE !

As a private nobleman he has some good traits: a benevolent heart that we know has been put to the severest test. His natural temper is said to be sordid and penurious; but there are many of his actions within recollection, which should rescue his character from so ungenerous an imputation. The patronage that his lordship afforded the DAWNING talents of SIR WILLIAM JONES,

JONES,* will ever be an honourable testimony of virtue of this description, and ought to plead as an attonement for many political errors.

* The acknowledgments of Sir William Jones were not wanting, whatever might have been the services received at his Lordship's hands : but take his own words.—

“ I check myself, therefore, my lord, with reluctance, and abstain from those topicks, to which the overflowing of my zeal would naturally impel me ; but I cannot let slip this opportunity of informing the public, who have hitherto indulgently approved and encouraged my labours, that, although I have received many signal marks of friendship from a number of illustrious persons, to whose favours I can never proportion my thanks, yet your lordship has been my greatest, my only *benefactor* ; that, without any solicitation, or even request on my part, you gave me a substantial and permanent token of regard, which you rendered still more valuable by your obliging manner of giving it, and which has been literally the sole fruit that I have gathered from an incessant course of very painful toil ; that your kind intentions extended to a larger field ; and that you had even determined to reward me in a manner the most agreeable, both to my inclinations and to the nature of my studies, if an event, which has procured an accession to your happiness, could not but conduce to mine, had not prevented the full effects of your kindness.

“ It might here become me to suppress, what I cannot however persuade myself to conceal, that your lordship was pleased to assign the most flattering reasons for your intention, and to declare that you desired my promotion, both for my own sake, and for that of the public ; the first of which motives I ascribe to your candour and the goodness of your heart ; the second, which I am wholly unconscious of deserving, I can impute only to your singular benignity and indulgence.”

Vid. his Epist. Dedic. to the Transl. of Isaacus.

THE HONOURABLE

Sir RICHARD PEPPER ARDEN, Kt.

MASTER OF THE ROLLS.

———Here am I, in ARDEN more fool I,
would I were in a better place !

SHAKESPEARE.

NON CUICUNQUE DATUM EST, HABERE NASUM.

HAPPY is it, that in our *serious* labours, there is such a character as his which is now our immediate purpose to pursue.—It acts as a viatory resting-place, where it is not only *allowable* to relax, but, without which, the wearied spirits would not find themselves sufficient to sustain the incessant fatigues of so tedious a journey.

SIR RICHARD PEPPER ARDEN, owes his birth, speaking in the language of ancient days, to a respectable YEOMAN of the county of *York*, where the *family name* and the *family seat* will, most probably, be remembered to a distant date, both alike resting upon a very broad foundation. The *weighty* estate annexed, will assuredly maintain the *last* recollection, and the owner of that estate has taken the best possible means, and not unsuccessfully, to keep alive the *former*. LADY ARDEN's endeavours should likewise be recorded, as anxious, in a *secondary* degree, to aid the permanent establishment of so illustrious a family.

SIR RICHARD PEPPER ARDEN, after an ordinary Education in an ordinary Yorkshire school, was entered, by the pious care of his father, at *Trinity College, Cambridge*; where his *convivial* talents have left behind them an impression infinitely more durable in academic tablets, than more useful and valuable

valuable accomplishments. The *True Blue Club* was accustomed to observe him as its chief ornament, and first support. “ *Præsidium, et dulcè decus.*”

The last revision of the *restrictions*, which this old and respectable society thought proper to place upon her fellows, was principally made, under the direction of Mr. ARDEN,—who, while he was forming statutes, for binding so confined a circle, probably had little thoughts that he would afterwards be engaged in framing laws for a mighty empire. Perhaps too, it were safer had he and his friends contented themselves, to see his abilities exerted in a sphere, where they were so early and happily distinguished.—But to return to the path from which we have involuntarily deviated.

From the *temporary* embraces of ALMA MATER our *recreant knight* threw himself, at once, into the *fast arms* of the *law* : on
whose

whose constant, though hard bosom, he has ever since, uninterruptedly rested.—He was called to the bar from the *Middle Temple*, and, for a certain time, remained in a privacy, from which his warmest partizans never once dreamt that he would, in later periods, so luckily emerge. At the seasons we are speaking of, Mr. Arden was much more noted for *having* than *not having* a brief. His practice was confined to the Court of Chancery, and was exceedingly limited and inconsiderable even as a draftsman.

Naturally inclined to social life, the perpetual solitude to which SIR PEPPER was opposed, could not but be an affliction to a mind tempered like his. He therefore, with all reasonable and prudential dispatch, sought a constant companion, and made that companion as inseparable as a wife. Notwithstanding this little slip of his morality, he not long afterwards contrived to obtain the hand of a woman of fortune
and

and distinction. The Lady he married, is a daughter of Mr. RICHARD WILBRAHAM BOOTLE, a gentleman of considerable estate in *Cheshire*, and no less interest in the House of Commons, of which he is an *honorary* member.

Men are very apt, in the *desperate* leap of *matrimony*, to expose themselves to the taunts of their puerile friends, who have *not*, like them, summoned courage enough to take so bold a resolution. Sir PEPPER escaped not, on his marriage, the usual allotment of good-natured raillery, from which he whimsically and dextrously released himself, sportively observing, that gentlemen might say what they pleased, he was perfectly satisfied with his *new* state; for if his immediate views at the *bar* were not much mended by his altered life, his *chamber* practice would be much more considerable. This although said, and probably meant, in *jest*, turned out to be literally *fact*; for, from his own and
acquired

acquired connections, he was brought instantly into legal light, and very shortly lifted into the important office of *Attorney General*.

On the appointment of Lord KENYON to the *Chief Justiceship* of the *King's Bench*, by one Chancellor, Sir PEPPER was secured in the *Mastership of the Rolls* by another, "*sed longo proximus intervallo*." They who recollect the circumstances that attended this nomination, are not, at the same time, unacquainted with the weight of differences that so long raged between the two Chancellors previous to the dernier adjustment of it. Sir PEPPER, in the interim, was *bandied* from the *Chancery* to the *Exchequer*, and from the *Exchequer* again to *Chancery* in a very pitiable suspense ; but was at length confirmed in the appointment notoriously in the teeth of an authority which had often been disputed, but never before vanquished.

In

In his present *official* capacity, Sir RICHARD PEPPER ARDEN has had little opportunity of distinguishing himself; for the *Master of the Rolls* is no longer considered as a legal *purveyor* for the *Lord Chancellor*. The cause of objection that existed before his election to office has not yet, nor, in the general opinion, ever can be removed. It was not any political contention that barred the pathway of Sir PEPPER to the *Rolls*, Mr. PITT's right of interference in law-distributions being never argued. Not the *appointment*, but the *appointed*, was the object of resistance. In the *Chancellor's* absence from the court we have, therefore, never been surprised, that Mr. Justice BULLER should have uniformly filled the temporary seat; which speaks, as plainly as actions *can*, the sentiments of the first law authority in this country, respecting the abilities of the *Master of the Rolls* now being. The *Chancellor's* saying to Mr. PITT on the *question of merit*, not on the *merit of the question*,

was

was as strong as usual, “ I care not,” said he, “ *whom* the devil you appoint, so you do not appoint *one*, who, instead of lightening *my* burthen, will heave ye *his own* damn’d wallet upon my shoulders.”

Sir PEPPER, however, had some qualities, which seldom fail to recommend themselves to ministerial favour and protection. In his political harangues he is never disappointed of a certain number of hearers, who subscribe to his opinions as implicitly and as tamely, as to the law of the land. No less than *six* votes in the *House of Commons* are reported to be at his beck. As a senatorial speaker, he is little esteemed beyond the *aye* and the *negation* that he may alternately announce.

The private life of Sir RICHARD PEPPER ARDEN is, in every respect, harmless and irreproachable. As a conversationist, he is thought to stand almost beyond competition ;

petition; and with some, strange as it may appear, he is reckoned a wit.* As a *member* of the *Cabinet*, they who introduced him, should best know the purposes that he was there designed to fulfil. *Momus*, we are told, was often called in, by the Celestials, to quell the frequent tumults of their debates; and we do not apprehend that our terrestrial councils are much more harmonized than those in the upper regions.

* “ *And, strange to tell! in nature’s spite provoke*

“ *Hot ARDEN once to blunder on a joke.*”

The miracle of a jest from Sir RICHARD PEPPER happened on the occasion of some resolutions having passed between the hours of *six* and *seven* in the morning, for which reason the then Attorney General (now Sir Richard Pepper Arden, Master of the Rolls) facetiously contended, “ That they were entitled to no respect, as the House “ was then at *SIXES* and *SEVENS*.”—Any approximation to wit in debate being perfectly unusual with this gentleman, however entertaining his friends may think him in private, the ingenious Author of “ *Criticisms on the Roliad*,” very properly distinguishes this memorable attempt by the same kind of admiration with which poets commonly

monly mention some great prodigy, as for instance of a
cow's speaking

————— PECUDESQUE LOCUTÆ
INFANDUM.

We hope none of our readers will attribute to us the most
distant intention of any invidious comparison.

THE RIGHT HONOURABLE
LORD KENYON,

CHIEF JUSTICE of the COURT of KING's BENCH,

———Labor, *omnia vincit*
Improbis.

VIRGIL.

———*Animum rege ; qui nisi paret,*
Imperat, hunc frænis, hunc tu compeſce catena.

HORACE.

Rude am I, of ſpeech.

SHAKSPEARE.

LORD KENYON is *another*, among numerous inſtances, to prove almoſt the *certain*ty of a *certain* degree of legal knowledge leading to the higheſt honours and emoluments of the ſtate.—His Lordſhip's abilities, *merely* as a lawyer, are generally

nerally admitted; and we readily subscribe to an acknowledgment of great application and unbiaſſed integrity.—But *here* his Lordſhip's moſt partial panegyriſt muſt be content to reſt his portion of praiſe. He will ſcarce be placed in the ſame order of beings with his great predeceſſor;—no one will ſay of him

“ Sequiturque patrem paſſibus æquis.”

To borrow an expreſſion of Lord BOLINGBROKE, “ the compariſon would be *prophaning* the tombs of the dead,* to raiſe an altar to the living.”

LORD KENYON muſt, *comparatively* with the great EARL MANSFIELD, hold a *very inferior* ſtation in the temple of Fame.

The lawyers of the Roman ſtate ſeem to have been a people of very little importance, detached from their conſideration as orators: perhaps the ableſt of them ranked lower in public opinion than our
common

* Lord Mansfield may be accounted civilly dead.

common attornies *here*. TULLY seems to have thought lightly of them : and we may judge of the degree of estimation such a character as KENYON would have held in the Roman state.—The case is, however, exactly the *reverse* in England :—the law is here the *paramount* profession, to which every thing is referred for decision. It is *now* what the church *was* formerly. The ancient feudal system has interwoven into its texture such a mass of abstruse learning, and branched out doubts and difficulties into such numerous subdivisions—the increase of commerce among a people greedy of opulence and power, but jealous of their liberties and rights, guarded by gigantic folios, under the denomination of acts of parliament, involved in endless contradictions and superinduced innovations—*all these* have together extended it's fibres almost to infinity, so that the professors can alone comprehend them ; and they are become, even to the *Professors*, a wilderness. They vegetate in the *rankness* of our legislative soil

in

in a wild luxuriance (apparently without order or connection), that threatens to exclude *all* light, and make this wilderness impenetrable, from its density and darkness. If a few salutary herbs take root, they are so choaked by the exuberance of the surrounding foliage, so shaded, so obscured, as almost to render them totally inaccessible.

The *Being* whose habits of life enable him to *grope* his way through such a maze, becomes an important character in our courts, and is, in consequence, elected into our senates, and from thence promoted to the justice-seat. He often finds his way without the aid of the lynx's eye; *that* of the mole is, perhaps, better adapted to an atmosphere, where the most *sombre* gloom pervades every step of his progress.

LORD KENYON was bred under an *at-
torney,

* His Lordship was *born* at Gredington, in Flintshire, North Wales, from whence the title of his barony is taken.

He

torney, from whose desk he was translated to that of a law agent in town, and was ever distinguished for unwearied attention in the pursuit of his studies.—Such an education, though warranted by some great and successful examples, may naturally be supposed to have damped an imagination not at all remarkable for its brilliancy ; but it probably induced that habit of labour and attention which he has retained through life, and to which he must have been, in a great measure, indebted for his present exalted station.

LORD KENYON was, soon after his emancipation from the desk, entered of the *Middle Temple*, from which honourable society he was called to the bar.

Constant application will blunt the keenest edge, and tire the most eager spirit ;
but

He was an articled clerk to Mr. Joe Tomkinson, of Namptwich, in Cheshire, a very eminent attorney, still living.

but his Lordship, during the course of many years vast practice, seemed an exception to this very natural position.—His chief practice was in the court of Chancery, and, for many years, his chief business that of a draughtsman ; in which, and in his opinions, he was considered acute, accurate, and able ; but when occasion called him into court to support these opinions and pleadings, although he never failed to display a profusion of law learning, and that most judicially applied, yet his manner was ungraceful—his language uncouth, awkward, unharmonized—and his method and arrangement of facts, generally confused and ill-digested.

His Lordship possesses all the warmth and vehemence of his country ; and is easily provoked to passion—a circumstance little calculated to conceal his oratorical defects. He is in the habit of hurrying his words so disagreeably together, that his articulation is not only indistinct, but
sometimes

sometimes totally unintelligible. He lisps, hesitates, and occasionally stammers, so as, for a considerable pause, to suspend all apparent possibility of utterance. Yet, under all these defects (insuperable as they might be imagined), such was his weight with the court he addressed as a counsel, that he was not only heard with patience, but with attention and respect.

His professional Eminence introduced him to the high post of *Attorney General*, and, in consequence, to a seat in the House of Commons,* where he was still the *mere lawyer*, had the *same* habits, the *same* defects; but rendered more conspicuous by being displayed on a theatre less calculated for the exertion of his talents in that science in which he could *alone* excel.

His

* He stood candidate for *Flintshire*, against Sir ROBERT MOSTYN, the present member, and lost it, as it is said, from the influence of the Dean of *St. Asaph*.

His Lordship held, at the same time, the office of *Chief Justice of Chester*, to which he was appointed on the death of Mr. MORTON.

Fortune, it is observed, is generally sparing, or bountiful in *extremes* in the distribution of her favours.—The *Mastership* of the *Rolls* next awaited his acceptance ; in which office, however, he sat so short a time, that little can be said of him *officially* ; but his Lordship was, beyond all doubt, *peculiarly* qualified for that important station.

His early and continued habits of intimacy *with*, in consequence of professional services rendered *to* the present *Lord Chancellor*, was no inconsiderable aid to his elevation in the Court of King's Bench.* It is well known, the
great

* The late Sir THOMAS DAVENPORT, then Mr. DAVENPORT, had been in habits of intimacy with this
great

great Earl who left his seat was desirous of seeing *another* in the possession of it; but that power which could *once* command *every* thing, was too much in the *wane* to give effect to it's wishes.

The high post his Lordship holds, is certainly the best of all others (unless indeed that of the *Master of the Rolls*, for his political and oratorical talents would render him but a sorry *Chancellor*) calculated for the display of his talents; as he can there give them full exercise *in the way* they have been invariably and strenuously applied.

When

great man, and had flattered himself with the hopes of succeeding to the first valuable appointment in his power to confer; but several good things passing by, the patience and temper of Mr. Davenport were lost. The Chief Justiceship of *Chester* becoming vacant, he thus shortly wrote to the Chancellor: "The Chief Justiceship of Chester is vacant. Am I to have it?" To which the following laconic and emphatic answer was returned: "No, BY GOD! KENYON SHALL HAVE IT."

When occasion calls his Lordship into the House of Lords on any important debate, where his *Nisi Prius* knowledge cannot avail him, *ob ! what a falling off is there !* The Chancellor's black brow lowers tremendous, and he is obliged to interpose the *Achillean shield* for his protection.

LORD KENYON bears the same comparison with the present *Chancellor*, that COKE did to BACON ; but let it be remembered, that there is an *almost infinite distance* between *both* these law Nobles, and the illustrious Names PROFANED by the comparison.

THE HONOURABLE

Sir FRANCIS BULLER, Bart.

One of the JUDGES of the COURT of KINGS BENCH.

“ Our city’s institutions, and the terms
Of common justice, y’are as pregnant in,
As art and practice hath enriched any
That we remember.——”

Shakspeare’s Measure for Measure.

THE great and learned JUDGE BULLER was admitted of the *Inner Temple* on the 8th of February, 1763, and called to the bar after the usual period of *probation*, from the honourable society of the *Middle Temple*, from the same society he was also made a *serjeant*, and, almost immediately after,

after, promoted to the rank of a *judge* of the *Court of King's Bench*.

This is the age of *young men*—we now see men *born* statesmen and lawyers. They are translated almost from the cradle to the government of kingdoms, and to *presidency* in legislation. In former times, none but men advanced in years were permitted to assume the dignity of the coif, or to ascend the magisterial bench: a period indeed, *beyond the bloom of manhood*, customarily elapsed before their “*call to the bar*.” In the instance before us, we see a judge eminently qualified for the station he fills, almost in the *bloom of youth*.

Mr. BULLER's first *entré* into the profession, was in the department of *special pleading*. He studied under the present Judge, then Mr. ASHHURST, and, like DEMOSTHENES, excelled his master,* and was always ranked amongst the most
eminent

* ISÆUS was the preceptor of the great Athenian orator,

eminent of the profession. His accession to business, as a common law draughtsman, was immediate and immense ; his practice as a barrister was also, at first, considerable, and, in an extremely short period, became equal to that of the very first-rate lawyers.

In all that part of practice, which pushes a cause out of its regular course, and forms the great business of the TERM, he had no equal ; in every motion of consequence, or special argument, he was always engaged either for the plaintiff or defendant ; and here Mr. BULLER was perfectly at home.

Nature designed him for a lawyer, and he wisely pursued her bias ; for very early in life he seems to have *entered into a recognizance*, to talk and think of nothing but law ; his knowledge of *practice and cases*, left him without a competitor. He resembles the Roman lawyer Sulpitius,*
and

* Sulpitius, the great Roman lawyer, is said to have left behind him one hundred and fourscore volumes on law

and certainly is the COKE of the present age.

His *Nisi Prius* practice was, indeed, comparatively inconsiderable. The fact is, Mr. BULLER had little success in his address to the passions, and could not therefore be eminent in his appeal to a Jury. However *shrewdly* he cross-examined; however *pertinently* he pointed his remarks; however *sagacious* he might be in the arrangement and management of a cause (from a want, probably, of directing his attention to the embellishments of oratory) he was by no means, *happy* as an advocate, his advocatorial address rather conveyed the idea of *barking* than speaking; but excellence does not erect her banner in every region of the mind; he fought and *found* fame in the *recesses* of law learning; and therefore we are not to be surprised, if he was deficient in those more showy accomplishments,

law subjects, of his own compiling. It is extremely probable that Mr. BULLER's manuscript collections are considerably of a larger bulk, and of a similar nature.

complishments, which were little, or not at all, objects of his choice or attention.

If special pleading has any *sun-beams*, many *others* have been lighted up by *his*. The astonishing success of JUDGE BULLER, introduced the *fashion* of making the study of that *science* (if it ought to be dignified by that name) an introduction to the profession.

The eloquence of *magistracy* is of a far different kind from that of the advocate; and the speeches of this very learned judge from the *Bench*, certainly approach as near perfection as modern example reaches; it is a model for imitation.

He possesses great quickness of perception; sees the consequences of a fact, and the drift of an argument at its first opening, and can immediately reply to an unforeseen objection; though, perhaps, it may be sometimes suspected that his perception is *too quick*; it has certainly exposed him
in

in some instances to the *charge* (whether true or false) of impatience and petulance, very indecorous in the character of a judge ; it is not enough that the magistrate on the bench should perceive the truth or fallacy of an argument ; it is his duty to proceed with the most cautious deliberation, 'till, from the arguments of the pleader, or the result of evidence, he has drawn forth the clearest demonstrations that the case possibly admits, and established conviction, by the patient exertion of argumentative reason.

It is the *general*, as it is the *just* professional character of this great lawyer, that he states his arguments with the utmost accuracy and precision, reasoning logically, and in a style, which may be deemed the true eloquence of law. Like his present Chief, he was not calculated to push his way in parliamentary campaigns ; but his consummate knowledge rendered him an important acquisition to the Bench. He was the youngest

youngest English Judge ever promoted to that rank ; and, growing up, under the *Cedar* * of knowledge and eloquence, may justly now be considered as one of its greatest ornaments.

Mr. JUSTICE BULLER, if we consider the TRAITS by which his judicial conduct has been strongly marked, seems to possess the greatest inflexibility of sentiment and opinion.† Like HOLT, he is too staunch and too systematic a Lawyer to suffer the stubborn and general principles of LAW to give way, *in any instance*, to the milder inferences of EQUITY. It cannot, however, be denied or concealed, that the calmness of his temper, and the deliberate firmness of his conduct, has *not in every instance* kept pace with the inflexibility of his judgment, and tenacious adherence to general maxims.

* Lord MANSFIELD.

† SEE his charge to the jury in DONNELLAN's case, AND His memorable opinion, of the RIGHT of the husband over the wife, to the exercise of the *thumb-stick*.

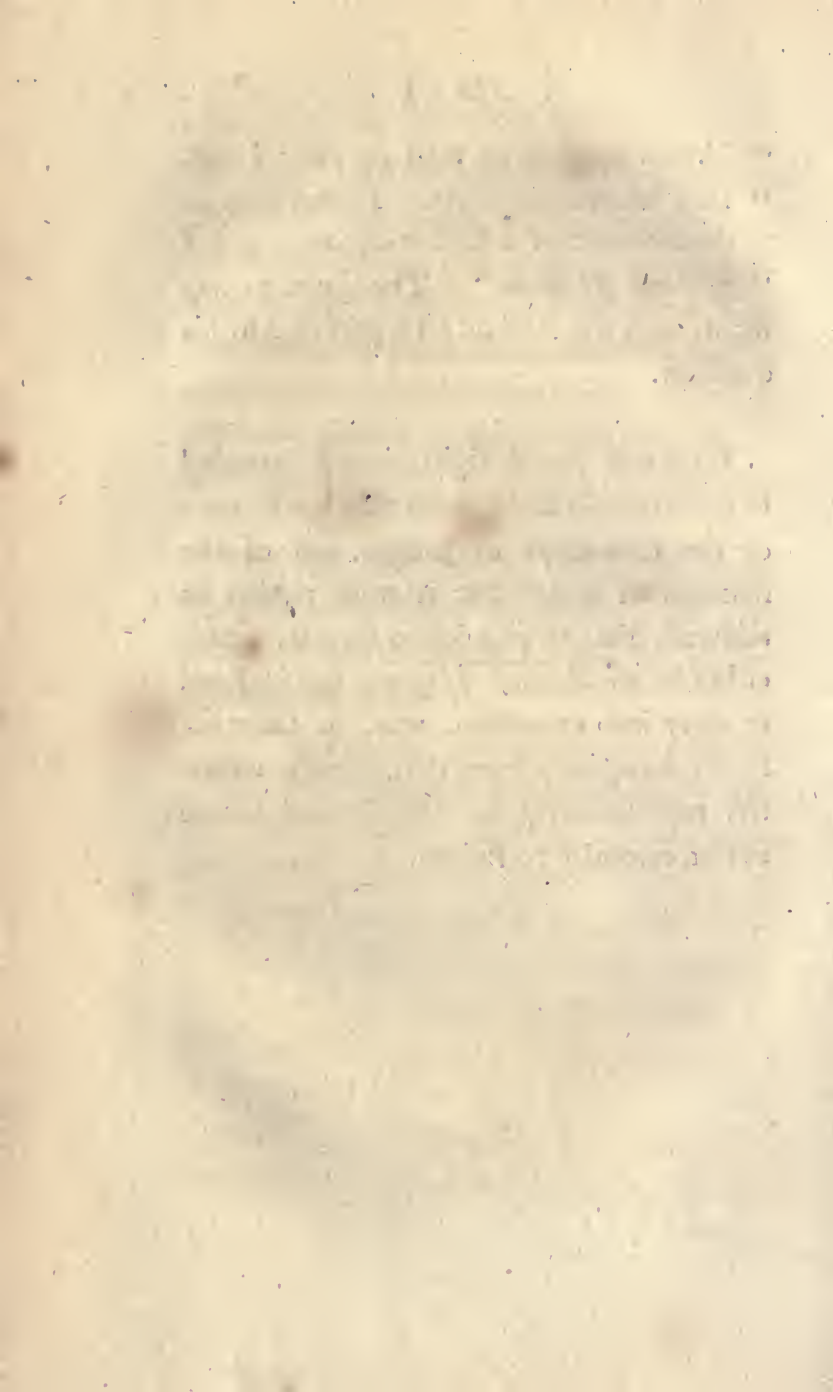
maxims. A striking proof of this was exhibited at the famous trial of the Dean of St. Asaph, when, after pushing his opposition to Mr. Erskine, even to *threats* and *commands*, he yet suffered him to set his authority at open defiance, and *proceed in the interrogation, to which he had so strenuously objected.*

The anecdote being remarkable, and eminently calculated to illustrate this part of the Judge's character, it may not be improper to relate it.

Mr. ERSKINE put a question to the Jury, relative to the meaning of their verdict; Mr. Justice BULLER objected to its propriety. The counsel reiterated his question, and persisted in demanding an answer; the Judge again interposed his authority in these emphatic words: "Sit down, Mr. Erskine; know your duty, or I shall be obliged to make you know it."—— Mr. Erskine, with equal warmth, replied: "I know

“ I know *my* duty as well as your Lord-
 “ ship knows *your* duty. I stand here as
 “ the advocate of a fellow-citizen, and I
 “ *will not sit down.*” The JUDGE was
 silent, and the ADVOCATE persisted in his
 question.

Who was *legally* right, is not intended
 to be here discussed ; since this book treats
 of the characters of Judges, not of the
 maxims of law. But it must readily be
 allowed, that to proceed to threats, which
 either he could not, or he was not inclined
 to carry into execution, was, in some re-
 spect, derogatory from that dignity which
 the representative of Majesty and Justice
 ought carefully to sustain.



THE HONOURABLE

Sir NASH GROSE, Kt.

One of the *JUDGES* of the Court of *KING's BENCH.*

LARGA QUIDEM, SEMPER TIBI COPIA FANDI.

*Judice te, non sordidus auctor
Naturæ, verique.*

HOR.

SIR NASH GROSE, son of EDWARD GROSE, Esq. of the city of London, was admitted of Lincoln's-Inn in Trinity term 1756, called to the bar in Michaelmas term 1766, made a Serjeant in Easter term 1774, and a Judge in Hilary term 1787; when his Majesty conferred upon him the honour of Knighthood.

In Governments constituted like ours,
Elevated Situations are seldom reached, but

I

by

by men of great abilities (if we except the common appendages of Titled Rank) and of all the ways that are open to the reception of active Genius in the Temple of Fame and Fortune, the Law is beyond all comparison the most certain. Honours are obtained in the Army and Navy only by desperate, toilsome and tedious Atchievements, which meet a *very uncertain*, and generally a *very late* reward. Pre-eminence in Literature and the Arts, afford a still more precarious recompence, nor can the professors of *Physic*, or even the disciples of the *Church*, stand in any degree of competition with the much favoured *sons of litigation*. Like *vultures*, THESE are ennobled, from being alike armed with the most deadly weapons of terror and destruction.

Professional ability, we believe, *alone* raised Mr. GROSE to the Bench, who, in the course of twenty years practice, established a professional Character equally eminent and amiable;—his share of business was,
confe-

consequently, extensive.* He was considered a sound lawyer; and after GLYNN took the lead in the Court of Common Pleas, he was also an excellent *nisi prius* advocate; which is the more remarkable, from the circumstance of his having swelled the list of *special pleaders*; of whom it is notorious that very few are tolerable speakers. The paucity of exceptions serves only to confirm this as a rule.

The greatest and most laborious Naturalists, in their description of animal creation, are obliged to leave numerous subjects unnamed, and imperfectly described, that can only be classed under the general title of “NON-DESCRIPTS.” Of this indefinite class is the SPECIAL PLEADER, whose existence cannot be *naturally* accounted for,

as

* If this learned Judge should be ever created a Peer, his *arms* will have JOHN DOE and RICHARD ROE for *supporters*, and his motto, “ABSQUE HOC, HOC!”

as Heaven could design these orders of Beings for no possible purpose of convenience or utility. We are told, indeed, that the wisdom of the Deity has created nothing *in vain* : The *Crocodile* and the *Tyger*, it is true, may exist as *admonitory cautions* against treachery and cruelty :—the *special pleader's* existence may be intended by Divine wisdom for similar purposes, with this additional advantage, that nothing is better calculated strongly to inculcate the Christian virtue of *patience* in both *agent* and *patient*.

A *special pleader* appears to be of the *spider* kind ;—they alike spin their web for the destruction of weak and unwary prey ; one murders the little innocent fly that flutters in the sunshine, the other *strangles* justice in his nets of form ; both are equally pernicious and poisonous.*

TULLY,

* See BURNETT's Life of Lord HALE, page 4 ;—also the address in parliament against special pleading, 3 Geo. II.—Journals of the House of Commons, 11th of February 1730 ; and afterwards in the same session.

TULLY, that terrestrial God of literature, seems to have known something of these
fort

LORD MANSFIELD was an avowed enemy to special pleading; or, perhaps, more correctly speaking, to *Special Pleaders*; but it is only fair to acknowledge, that *an other very great man* is a warm advocate for it,—SIR WILLIAM JONES, in his prefatory discourse to the translation of *Isæus*, thus expresses himself: “I shall not easily be induced to wish for a change of our present forms, how intricate soever they may seem to those who are ignorant of their utility. Our science of special pleading is an excellent logic, it is admirably calculated for the purpose of analysing a cause, of extracting, like the roots of an equation, the true points in dispute, and referring them, with all imaginable simplicity, to the court or jury; it is reducible to the strictest rules of pure dialectic; and if it were scientifically taught in our public seminaries of learning, would fix the attention, give a habit of reasoning closely, quicken the apprehension, and invigorate the understanding, as effectually as the famed peripatetic system; which, however ingenious and subtle, is not so honourable, laudable, or profitable, as the science in which LITTLETON exhorts his sons to employ their courage and care. It may unquestionably be perverted to very bad purposes; but so may the noblest arts, and even eloquence itself, which many virtuous men have for that reason denied; there is no fear, however, that either the *contracted fist*, as ZENO used to call it, or the *expanded palm*, can do any real mischief, while their blows are directed and restrained by the superintending power of a court.”

fort of men, and he thus describes them :—
Leguleius quidam cautus et acutus, præco-
actionum, cantor formularum, auceps sylla-
barum.

This description answers to nothing in
 or out of nature, but a *special pleader*.

THE HONOURABLE

Sir WILLIAM HENRY ASHURST, Kt.

One of the *JUDGES* of the *COURT* of *KING's BENCH*.

—Why, he stalks up and down like a peacock, bites his lip with a politic regard, as who should say, *there were wit in his head*; and so there is, but it lies as *coldly* in him as fire in flint, which will not shew without knocking.

SHAKESPEARE.

SIR WILLIAM HENRY ASHURST was admitted of the *Inner Temple* on the 19th of January 1750; was called to the bar on the 8th of February 1754, to the degree of Serjeant in Michaelmas Term 1770; and was almost immediately after preferred to the dignity of a Judge of the Court of King's Bench.

To

To a most benevolent heart, this learned Judge adds the polished manners of the Gentleman, and a degree of professional Erudition, that has ever placed him in the first rank of Westminster Hall.

Oratory, like *poetry*, has its several distinct classes. The *lyric* poet is not more widely different from the *epic*, than the *forensic* advocate from the *senatorial* orator. The idea of CICERO, that no man could be justly called an orator, unless he *united*, in the *highest* degree, the powers of INSTRUCTING, DELIGHTING, and MOVING *every* audience, on *every* subject, may be considered as the effusion of Rhetorical Quixotism; certain it is, that it implies a *variety* of character, and a *comprehension* of genius beyond all human attainment, even by minds the most gifted, and industry the most indefatigable. It belonged neither to DEMOSTHENES or TULLY in ancient times, nor to Fox of these. The man whom nature has not calculated to shine in a British senate, may, nevertheless,

nevertheless, be a conspicuous, eminent, and successful character, in our COURTS.

MR. JUSTICE ASHURST, is a man of liberal education and enlarged notions.— His language has no peculiar neatness or brilliancy, but it is perspicuous, pointed, and clear. He reasons logically, and knows well how to *winnow the chaff* of eloquence from argument and law ; and the man of sense and candour who states his arguments with truth, conciseness, and precision, and from thence draws the fair and natural deductions, will ever have more weight and influence in a court of English judicature, than any one can hope to arrive at, by the mere pomp and splendour of Grecian or of Roman Eloquence.

As the sun bursts through the thickest clouds, some men discover their mental powers under every disadvantage, and the Genius of the *Lawyer* was, in the present instance, seen to shine through the obscure mists of the draughtsman. Special pleaders

ers formerly furnished only the language of courts, and, like Poets, planned the drama that others were to perform.—How much the case is now altered, and how successfully this branch of study is now cultivated by those who wish to shine in the most distinguished departments of legal science, both the Bar and Bench bear ample testimony.

The *sovereignty* of MANSFIELD in the court of King's Bench, was marked by *unanimity* of opinion amongst the Judges. This court *may*, possibly, hereafter be distinguished by the *opposite* extreme; and this balance of *opinion*, may arise from a *more equal balance of abilities*.

Men of enlightened minds, who have understanding enough to perceive a superiority of capacity in a Cotemporary, and who have liberality sufficient to regard it without envy, or discretion to shun an unequal competition, are, it is admitted, too
 apt

apt to be easily convinced by his arguments, and to yield too implicitly to his opinions. But when the mind is free from any such bias, from the effects of awe and veneration, we see the judgments of men exerting themselves without prejudice, and may infer, from perfect freedom and independence of thinking, the *natural diversity* of opinion among mankind.

And *thus far* it may be deemed no great national misfortune, that the Bench is not at present dignified with any example of that *transcendant* Genius, which, removing every idea of rivalry, renders opposition of no avail: for when the most upright and enlightened character is *entirely* secured from the prying eye of contending adversaries, such is the natural fallibility of human nature, that he will sometimes deviate from the path of rectitude and propriety; if not, from the temptation to err, perhaps, from the too great *Confidence* inspired by feelings of conscious superiority, or

an

an *indolence* of mind and temper, generated by the want of stimulus to exertion.

It has been observed, that when men administer Justice in a court of common law, without being control'd by the strictness of it's rules, they take on themselves the office of legislation, and thereby controvert an established maxim of free government. The distinction, or rather the separation of the legislative power from the executive authority, is certainly what ought to be regarded with a most jealous eye; and every approximation towards breaking down the barrier which our ancestors have so wisely placed to separate them, however specious the pretext, should be anxiously opposed: since reason must readily perceive, that such a breach would form an immediate Inlet to Corruption, and since the history of Nations furnishes us with sufficient experience, that *such* will inevitably be the effect.

Written

Written law *establishes* the rights both of Prince and People. It's certainty, and the determinate and invariable discriminations with which it is replete, not only mark the Boundaries between Right and Wrong, but preserves them inviolate, and diffuses general tranquillity by enabling us to judge with certainty, *when we stand within the limits of security*. However, therefore, we may admire the wisdom which established Courts of Equity to remedy those evils which the forms of common law could not reach; yet we must observe, that the utility of this precaution will not only be lost, when the modes of decision practised in Courts of Equity are adopted in courts of common law, but that this extension, to the general system of our jurisprudence, of those principles, which were only admitted for the remedy of particular defects, will *eventually*, by violating the settled rules of justice, instead of removing partial exceptions, annihilate the grand distinction between law and despotism, and leave

us

us exposed, if not to the oppression, at least to the INSECURITY of arbitrary dominion. HENCE might arise a source of consolation for the loss of MANSFIELD, that would permit us, with a kind of consolatory reluctance, to wipe away the tear of Genius at his Removal, did we not see him succeeded by ONE educated in the *same* habits, and adopting the *same* rules of decision, though unaided by those Rays of the Divinity, which had been long accustomed to illumine the Paths of legal difficulties, and conduct the Suitor by the safest and shortest road, to the Temple of Justice.

This fashionable mode of *equitable decision*, is undoubtedly owing to the introduction of common law Judges, from among those, who have been used to the Pleadings and Business of the Courts of Equity. These courts being established for the express purpose of controlling the rigour of the common law, it is natural for men who are bred in these forms, and
tutored

tutored in these maxims, to retain their rules, and transplant their decisions into whatever situation they may be removed. The advantage to the subject has been *even hitherto* problematical, the *future* consequences are extremely to be dreaded. When the Court of King's Bench assumes legislation, the learned world may continue to witness and admire the Wisdom and Beauty of it's Decisions, *but the PALLADIUM of the British Constitution is removed, and liberty exists no longer.*

The first of these is the fact that the
 system of taxation is not uniform
 throughout the country. In some
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 In some districts the tax is very low,
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THE RIGHT HONOURABLE
LORD LOUGHBOROUGH.

CHIEF JUSTICE of the COMMON PLEAS.

— *Atque oculos paulum tellure moratos*
Sustulit at proceres, intentatoque resolvit
Ora sono.—

OVID.

THE life of LORD LOUGHBOROUGH, minutely delineated, would, in point both of variety and importance, take the lead of all biographical productions of the present day. His lordship has rendered himself conspicuous in such numerous and important scenes, that our prescribed limits will not ad-

mit of more than an *outline*:—the difficulty of the task lies in *selection*.

He was educated for the *Scotch Bar*, at which he commenced his career as a pleader. In the course of his practice in that kingdom, having received an affront from the bench, he quitted it in disgust, and came to *England*, in a situation the very reverse of opulence.

His practice *here* was almost immediately considerable; and having been introduced into Parliament under the patronage of Lord Bute, the reputation he acquired by his oratorical exertions, in the memorable question that was agitated in the House of Commons against Lord *Clive*, placed him at the head of his profession, in the direct road to opulence and fame: with how much regularity and assiduity he *pursued* it, may be seen from his progressive stages to the high post his lordship now holds. His share of business was certainly much superior to that of his official competitor and leader,

leader, Lord Thurlow, to whom he was at least equal in ability, and superior in diligence.

His lordship was admitted of the *Inner Temple* the 8th of May 1753; called to the bar the 25th of November 1757, (when a king's counsel) admitted of *Lincoln's Inn*, Easter term 1763; made *Solicitor General*, Hilary term 1771; *Attorney General*, Trinity Term 1778; and *Chief Justice of the Common Pleas*, Trinity term 1780, when he was created a Peer by his present title.

The object of his Lordship's ambition seems to have been "*The Seals.*" To these, his expectations were most ardently raised, and his habits of study and practice were regulated accordingly. Nor can it be disputed but that he is *eminently* qualified for the high office of Chancellor, in preference to the presidency of a court of common law. This indeed was intimated in the House of Commons, upon the very memo-

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nable contest between his Lordship and Sir FLETCHER NORTON, for the Chief Justiceship of the common pleas ; a contest which reminded us of that between AJAX and ULYSSES for the shield of ACHILLES. It is unnecessary to add, who most resembled ULYSSES, both in success and eloquence.

His first speech, as a magistrate, was upon the occasion of the *riots*, on the 10th of July 1780, when he delivered a *most eloquent* Charge to the grand jury convened upon the occasion, in the great hall at St. Margaret's Hill. This Speech justly procured him the most elevated reputation for energy, impression, and propriety of application to the unfortunate occasion by which it was called forth, and added (if possible) to his fame as an orator.

Nor is this, by any means, the most distinguished proof of his great oratorical abilities. His clear, emphatic, and unlaboured harangues, have *uniformly* conspired
to

to prove him alike calculated to shine in *deliberative* and *judicial* eloquence. In fact, he is persuasive alike in the senate and in the Courts ; and it is but bare justice to say, that his lordship is the first ornament the profession can boast, of the present day.

The character of his oratory, is that of being *clear, sensible, fluent, perspicuous* and *insinuating*.

He is the most plausible, correct, methodical speaker in either house (except Mr. PITT) : his matter is always judiciously selected and well arranged, carrying with it an air of logical justness, and argumentative precision. He never rambles from his subject from a want of matter, or becomes diffuse or tedious from a redundancy of words. His oratory is *uncommonly* chaste, his pronounciation distinct, his emphasis well placed, and his voice skillfully managed : he is fond of detail, and conveys it to his auditors in a clear,
unem-

unembarrassed, comprehensive manner. His language is nervous, technical, pointed,—and he speaks with so much fluency (avoiding the extremes of rapid utterance and of hesitation, and absence of mind), that every thing he offers, seems to flow from a thorough knowledge of his subject, and the principles of self-conviction.

The patriotism of a lawyer, is almost proverbially PROBLEMATICAL.

His lordship was first introduced into parliament through the interest of Lord BUTE.

In 1766, he was in the political suite of the late Mr. GEO. GRENVILLE.

In 1768, he attracted the public attention in the affair of the *Middlesex Election*. His zeal was not confined to the HOUSE—it was *personal* throughout the kingdom.

On

On the death of Mr. GRENVILLE, he became the warmest advocate of Administration; and, for a period of twelve years, might be considered as the chief support of the *abominable* administration of Lord NORTH. To support a Minister by the resistance of *such* a siege, for such a period, against the *cannon* of Fox,* and certainly against all common reason and sense, is unquestionably a proof of CONSUMMATE ABILITIES.

But the capacious mind of Lord LOUGHBOROUGH is not confined to the talents of the advocate and the lawyer, nor does the fame of the promotion, consequent of his *forensic* attainments, bound the noble views of this great and elevated character. His judicial fame is but secondary to that

* The whole conduct of Administration, respecting the American war, has been justly reprobated by all men of every rank of understanding, in the strongest terms, that language can express.

See Review of Parliamentary Characters. 8vo. 1777.

that obtained by his parliamentary campaigns. The observation, That lawyers always retain their professional habits, and seldom shine as senatorial orators, here meets a *second* exception. His predominant genius can illumine the gloom of law, and give his speeches a classical air and dress, that would not disgrace the first productions of *Greece* and *Rome*.

He has more judgment than fancy ; and is *caution itself*—guarded in every thing he says, and ready to seize every advantage that arises from the warmth of his antagonist. To the clearest head and most unclouded understanding, he adds correctness and method, and the deepest skill in the arts of debate. His great abilities have been improved by still greater labour.

It is true, that his eloquence *seldom* reaches the heart, *but is always in his power*, when he chuses to make exertions ; and we have seen him, at times, possess the
greatest

greatest ardour and most daring political heroism. His celebrated Philippic pronounced against Doctor FRANKLIN, before the Privy Council, is not, perhaps, surpassed by those of DEMOSTHENES against PHILIP, or CICERO against ANTONY.

He possessed the powers of leading the House of Commons. His speeches on the motion made against Lord CLIVE; on the *Quebec Prohibitory*, and *Capture Bills*; and on the propriety of sending his MAJESTY'S Electoral troops to garrison *Gibraltar* and *Minorca*, are ALL strong proofs of his oratorical prowess.

He may be considered as the Chieftain of Opposition in the House of Lords, where he is perhaps without an equal on either side.

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The third of these is the fact that the
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Sir HENRY GOULD, Kt.

One of the JUDGES of the COURT of COMMON PLEAS.

I am no orator, but a plain blunt man,
For I have neither wit nor words,
Action nor utterance, nor the power of speech
To stir mens' blood—I only speak right, on——
Shakespeare's JULIUS CÆSAR.

THE MEANS by which men are pushed into office without the recommendation of first-rate talents, would form a history equally interesting and entertaining; it would at the same time exhibit a spacious field

field for speculation to the moral observer, and abundant opportunities for the exercise of satirical indignation.—The wisdom and integrity, however, of British Judges, are very justly the boast of Britain and peculiarly the pride of the present Reign.

SIR HENRY GOULD, is the son and heir of Mr. DAVID GOULD, of *Sharpham Park*, in the county of *Somerset*. He was admitted of the Honourable *Society* of the *Middle Temple*, the 16th of May, 1728; called to the Bar the 14th of June, 1734; made a Benchier the 3d of May, 1754; a Serjeant at Law in Michaelmas term, 1761; and shortly after, elevated to the rank of a Judge.

Mr. GOULD, while a Counsel, though not distinguished for brilliancy of talents, or the gifts which constitute the orator, ranked very respectably in the profession. Since his elevation to the judicial seat, his
great

great experience has uniformly added weight to his opinions, and though his sentiments frequently stand opposed to those of his learned brethren, and sometimes SINGLY, yet they have always been supported with learning and sound arguments, and have been such as reflected equal honour on his head and heart.

As a *Counsel*, Mr. GOULD's business was considerable ; but we believe, though much employed as a *Lawyer*, he was never eminent as an *Advocate*.—Speaking is not his talent—his arguments are more pleasing to the eye, than grateful to the ear—his tones are the reverse of harmony—and his voice is extremely faint and feeble. Action he has none ; neither elegance nor energy. The Graces are out of the question.—

His language is the plain, unadorned style of common conversation ; often defective

fective in purity and correctness, and always destitute of that warmth and variety, which characterise ardour of character and vigour of conception. His style is never glowing, keen, or rapid; it possesses no elevation of sentiment, or warmth of imagery; on the contrary, it is always tedious, circuitous and languid.—His talents are better calculated to lay siege to the understanding, than to *storm* a Jury.

Neither is the scholar to expect gratification from the best of his speeches. They have nothing classical in the composition; no researches into the antiquities of Attic or Roman legislation; no embellishment of argument by learned allusions, or illustrations from scientific research—he sticks close to ROLLE, LITTELTON, and COKE; and his just praise is, *that he is learned in the laws of his country; which he studies*
with

*with labour, and interprets with integrity,
tempered by the most amiable of all virtues,
“ HUMANITY.”*

The different *traits* in the characters of our eminent lawyers will, perhaps, be better understood, by a comparison with those of GREECE and ROME.

With us there are *Attornies, Proctors, Special Pleaders, Conveyancers, and Barristers*, the several *Branches* of whose Employments are respectively diversified; and nearly similar Varieties, in Rank and Avocation, seem to have existed among the Professors of law in ancient Rome.

In the early ages of the Roman senate, the ADVOCATES were not lawyers. These were succeeded by a set of men called COGNITORES, who had great legal skill, and an intimate knowledge of the customs
and

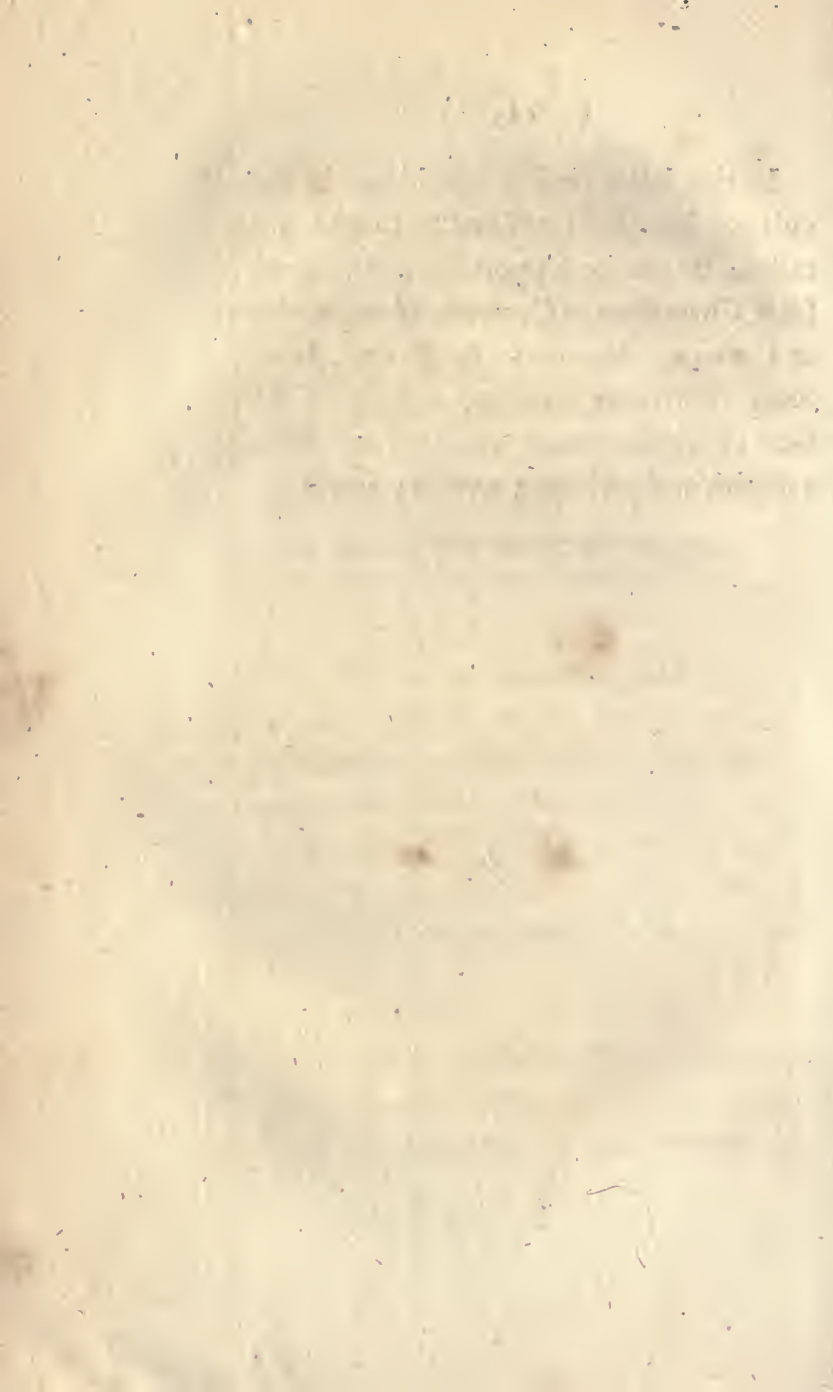
and practice of the courts. They not only advised and assisted the pleaders or counsel, by their advice and information on points of law and practice, but were allowed to speak in the cause. These seem, in some respects, to have strongly resembled our *opening* or *assisting* counsel. They appeared soon after CNEIUS FLAVIUS published his book of *Appian Actions*, and the FORMULÆ in which they were drawn up.

At the same time appeared an *inferior* class of COGNITORES, called FORMULISTS, or practitioners, whose business was only to regulate the order of the process, and who neither understood the law, nor the spirit of it. *These gentlemen certainly bear some resemblance to our attornies, &c.*

The *first* order of the COGNITORES were called PATRONS, and stood next in rank and consequence to the *Professed Orators*.

In

In this latter class it would not be difficult for Mr. Justice GOULD to find a parallel ; he cannot support competition with such Characters as CICERO, HORTENSIUS or CÆSAR, ANTONY or PLINY, but to these illustrious Orators, a man of Mr. GOULD's attainments would have proved a useful, and perhaps a *necessary* auxiliary.



THE HONOURABLE

Sir JOHN HEATH, Knt.

One of the JUDGES of the COURT of COMMON PLEAS.

*Interiam, si
Aut valeo stare, aut novi civilia jura.*

HOR.

Oh! he's as tedious
As a tired horse.—

I am known to be humorous, and to love a
drop of hot wine, without one drop of alloying *Tiber* in it.

SHAKESPEARE.

THE present mode of *calling to the Bar*,
carries with it a very *ludicrous* idea: let a man
be ever so able, *one way only* is this branch
of the profession accessible, (namely)—
by the *mouth*, and that, not by speaking

but *eating*. A stranger to Legal Habits and Customs, would be almost led to suppose, that the several Cooks of the Societies possessed the same art that was in use amongst the *Professors of Laputa*, where every viand was impregnated with science, so that *commons* and *cases* were naturally to be digested together.—From him who is about to put on the Civic Gown, the following lines of Horace are not inapplicable :

*Lusisti satis, edisti satis, atque BIBISTI,
Tempus abire tibi est.*

The law in itself may not inaptly be considered as a *coy mistress*, who is to be taken by *cold constancy*, rather than arrested by an ardent attack.

The gentleman, of whom we are now speaking, made his introductory bow in 1759, and, after having *sighed* through a formulary interval of 16 years, was at length admitted,

mitted, in the moment of caprice, to the *last favours*.—In more serious language (and that which is better suited to the gravity of the Character attempted to be portrayed), Mr. Justice HEATH appears, from the books, to have been admitted of the *honourable society of the Inner Temple*, the 3d of May 1759; called to the bar the 25th of June 1762, to the degree of Serjeant at Law in Michaelmas Term 1775, and very soon after to have been made a Judge.—*So much for chronological precision.*

Arguing here, from EFFECTS to CAUSES, the skill of the closest Logician, or the most subtle Metaphysician, would be foiled in tracing the chain of combination, by which the one is consequently connected with the other; like *Aladin's* splendid palace erected in the dark, whose stateliness was less admired than the *invisible means* of it's sudden Elevation.

It has been (maliciously enough) said, that Mr. Justice HEATH is indebted to his present honorary station, more to his companionable talents, than to any very extraordinary legal acquirements ; but a gentleman may surely be the associate of a Chancellor, and owe to him his introduction to a high office, without its warranting an ill-natured insinuation. The very distinction of such a permitted intercourse, is, in a certain measure, a testimony of abilities ; for it could not be supposed so illustrious a character would admit to his intimacy an obscure individual, who owned, in common with thousands, an insatiable passion for the grape, and the *coarse* joys it is accustomed to inspire. Such a supposition would be as injurious to the *patron* as the *client*.

Mr. Justice HEATH, though confessedly not favoured in any eminent degree by nature, has however not neglected to avail himself of what is in every man's own power, independent of *original* deficiencies.

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The candid mind must necessarily allow him no inconsiderable store of legal learning, patiently collected from the lengthened shelf, trembling under the ponderous pressure of voluminous reports:

Happy is it that there are peculiar provinces in the law suitable to the various capacities of it's almost innumerable professors; so that, he who is not exactly formed for the activity of practical pleading, may be singly provided for in domestic ease, by emoluments arising from confidential consultations in the chamber.

Mr. Heath, as a draughtsman in equity, acquired some reputation:

His *judicial* character is free from imputation; and if his decisions have been few and not very important, they have never been disapproved. If the mere discharge of the duties, coupled with the important office which he is appointed to fill,
be

be the sum of what is required of a British Judge, Mr. Justice HEATH is not only an unexceptionable, but a reputable Delegate of his important Trust.

THE HONOURABLE

Sir JOHN WILSON, Kt.

One of the JUDGES of the COURT of COMMON PLEAS.

“ *At est bonus, ut melior vir,
Non alius quisquam ; at tibi amicus, at ingenium ingens,
Inculto latet hoc sub corpore*——.”

HOR.

SIR JOHN WILSON, is the only son of JOHN WILSON, late of *Howe*, near *Kendal*, in the county of *Westmoreland*, and was admitted of the honourable *Society of the Middle Temple* the 22d of Jan. 1763 ; called to the Bar the 7th of Feb. 1766 ; appointed King's Counsel the 24th of April 1782 ; made a *Bencher* of the above Society the 10th of May in the same year ; a *Serjeant* the 6th of Nov. 1786 ; and soon after a *Judge* of the Court of Common Pleas.

A por-

A Portrait, greatly defective in Elegance, and all the delicate touches of the masterly pencil, may yet exhibit the striking and prominent features of a face; and such Portraits are often very highly esteemed. The Delineation of Character may be conducted in a similar manner. The most conspicuous, which are generally the least commendable parts of a character, may be so exhibited, that every one would immediately know the original, and yet, perhaps, the better informed judgment would discover, that all the finer and more amiable traits, in which the heart and judgment of the man are more truly and immediately expressed, are entire.

The former of these species of portraiture ought never to be tolerated in the artist, and the latter should never be attempted by the man of letters, except in such instances where the preponderance of what is gross or defective, is so great as to overwhelm the better endowments from the
clear

clear eye of discernment. Mr. JUSTICE WILSON merits to be delineated in a very different manner, and we shall accordingly endeavour, in the following draught, to trace the finer discriminations, as well as the coarser features.

As a Lawyer, he stands very high in popular opinion. His great knowledge was *alone* his introduction to the Bench; and no man of the profession is held in superior estimation, either on account of professional abilities, amiableness of manners, or benevolence of heart. He is one of those rare and respectable characters, upon whom the genial gale of panegyric can blow in security, without the remotest danger from the shrinking blast of malevolence and censure, his NAME is equivalent to Respectability and Reverence, and meets regard equally in public station and private society.

Sir

Sir JOHN WILSON was never, we believe, in parliament, and indeed offers no ground for observation as a *political* character. He forced his way in life by dint of application, and the patient exercise of his talents in professional pursuits.

As a *Speaker*, it must be confessed he has little claim to notice. Action, he has none—his voice is hoarse and dissonant—his pronunciation thick and indistinct—his language is neither of the kind calculated to animate and transport, or to conciliate or impose!—but it is such, as clearly to state the meaning of the speaker, and consequently to give the force and subtlety of his arguments a degree of weight.

While at the Bar, his expressions were uniformly such as strongly marked the great deference and respect he thought due to the tribunal he addressed.

His

His mode of *delivery*, far from assisting, is injurious to his language. It is cold, languid, nerveless, always monotonous, and often drawling and heavy. It oppresses the ear with a leaden weight, which even elegance of style, and vivacity of Imagination (to which he has no pretensions), would be inadequate to remove.

In *argument* he is close, connected, and conclusive ; and, indeed, Sir JOHN WILSON ought rather to be considered as a *sensible* SPEAKER, than as an ORATOR ; being equal to the task of informing the understanding, though unable to move and influence the passions.

He never wantons in the desultory excursions of fancy, or suffers himself to be diverted from the point in debate by the
 meteors

meteors of Imagination. He is fond of legal subtleties and distinctions. Indeed, the arguments suggested by, and the language that naturally arises from such discussions, as *The obstruction of ancient window-lights*, AND *The diversion of a water-course*, afford little scope to genius, or seldom offer, even to the greatest Orator, opportunities of displaying the flowing richness and variegated powers of Eloquence; and *upon such ground*, even DEMOSTHENES himself would, perhaps, have been inferior to Sir JOHN WILSON. The generality of professional questions seem rather to require a certain degree of subtlety and sagacity, than the brilliancy of Fancy or the arts of Eloquence.

As a *Counsel*, he was always heard with attention; as a *Judge*, he commands it. In giving a law-opinion, or in addressing a Jury from the Bench, his *discrimination* is
acute,

acute, correct, and ingenious ; his learning great, and displayed by an arrangement clear, regular, and methodical ; digested with judgment, and applied with propriety,—from its justness securing assent, and carrying conviction from its force.

THE HONOURABLE

Sir JAMES EYRE, Knt.

LORD CHIEF BARON of the Court of EXCHEQUER.

The gentleman is learned ; a most rare speaker,
To nature none more bound, his training such,
That he may furnish and instruct great Teachers,
And never seek aid *out* of himself.

SHAKESPEARE'S *HEN. VIII.*

He sits amongst men like a descended god;
He hath a kind of honor sets him off—
More than a mortal seeming,

CYMBELINE.

THE study of the law is one of the noblest pursuits of the human mind, and has been held in the highest estimation by the greatest men of almost every age and of every civilized country. If it has any

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where

where *pre-eminent superiority*, it is in *this*, where we find men's situation and consequence in society, in a great measure regulated by the degree of their proficiency in it; other knowledge and other talents may conduce to render a man more companionable, more accomplished, more agreeable and polite, but, without this *essential attainment*, they will be found totally inefficient to the purposes of obtaining either Honors or Emolument.—It might be expected too, that a life devoted to the attainment of a science so liberal, would be invariably free from the little prejudices and limited views of other men: that they would look to the Interests of their country, and of Individuals, with the eye of Philosophy, and only regard them as conducive to the purposes of Morality and the general good. That this, however, is not always the rule of conduct to guide that formidable body of men denominated Lawyers—experience very feelingly tells us, and as forcibly evinces,

ces, that, like *Churchmen*, they are little emulous either of Patriotism or Virtue—on the contrary,—To defend the Excesses of Authority, and palliate Violations of Liberty, are, too often, favourite objects both of the Professors of the Law and Gospel.

The Science of Law in it's nature, says BOLINGBROKE, the most noble and beneficial to mankind, is, in it's debasement, the most sordid and pernicious. There have been Lawyers that were Orators, Philosophers, and Historians ;—there have been CLARENDONS and BACONS, and notwithstanding the venality of present times, and the too frequent prostitution of professional talents, there are still to be found those that resemble them, who reflect honour on their country, and credit to their profession. Of these, one of the most distinguished is the Gentleman whose name stands prefixed to this imperfect sketch.

Being very *scantily* supplied with Information and Anecdote relative to the present CHIEF BARON, and not choosing to relate on the slight foundation of an anonymous Report, a great and important Law Character must be confined to narrow and very unworthy limits.

Mr. EYRE was called to the Bar from the honourable Society of Gray's Inn, under the patronage of the late Lord Chief Baron PARKER, and very soon distinguished himself as a man of superior abilities, and such as induced his promotion to the high and honourable situation of RECORDER of the City of London. He is one of those very few who had prepared himself for the exercise of his profession, by climbing up to the VANTAGE GROUND of science, instead of groveling below, like too many professional men, in the dirt of an Attorney's office, or a Special Pleader's desk :—Liberal studies, it has been very justly observed, by expanding the mind, and opening the recesses of the heart, have a strong tendency

to dictate a conduct that seldom pays the tax of censure. The truth of this observation is at least verified in the instance before us.

As a *Counsel*, Mr. EYRE stood foremost in his profession, at a time when the Bar was attended by the most eminent Names known in legal Biography. As a *Judge*, he is considered of equal learning and ability with any one that adorns the Bench. His style of speaking is the true eloquence of Magistracy. He is nervous and learned, clear, sensible, and fluent.

It is an illiberal and wrong idea, that modern Times are strangers to Eloquence; as the common Child of Freedom, and Knowledge, our Courts of Justice (though different from Athenian and Roman Judicatures), abound with examples of it's truest and most perfect models; and there is a certain dignity of manner and aspect attendant upon the words of this learned Lawyer, that their impressions
are

are equally unrival'd and irresistible. The *affected* Dignity, and *Assumption* of Veneration and Awe, that so emphatically characterize the present CHANCELLOR, sit with a natural Grace upon the CHIEF BARON, and forcibly mark the distinction between the Dignity that is *real*, and that which is *assumed*. The shades of difference are stronger than exist between the *Brilliant* and the *Counterfeit*.

His Lordship is admitted to be an able Civilian,—a species of knowledge peculiarly adapted to the Court in which he presides ; but we believe his still more distinguished Excellence is, a most comprehensive and intimate knowledge of what is denominated *Crown Law* ; and we ought not to omit reminding the reader, in delineating (however faintly), the Character of a great British Judge.—That, the life and liberty of the meanest Subject, is of far greater Importance, than any Question of Property possibly can be ; and that, the Talents of TULLY
were

were never more conspicuously employed, than in the protection of injured Innocence, or the Conviction of abandoned Guilt.

Superior knowledge on this subject, was the prominent Feature in the Character of the great Lord HALE, with whom the present CHIEF BARON OF THE EX-CHEQUER will, in all respects, support Competition, by comparison as a man of Science, and Pre-eminence as a Magistrate.

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THE HONOURABLE

Sir BEAUMONT HOTHAM, Knt.

One of the BARONS of the COURT of EXCHEQUER.

Adown the smooth, sequester'd vale of life,
He kept the noiseless tenor of his way.

IT is the observation of a profound and elegant Writer, That the Periods of Prosperity and Peace, however conducive to the Happiness of a People, are but ill adapted to the views of the Historian. To trace the wisdom of internal Police, and the gentle streams of Commerce, flowing into a thousand different channels of Opulence, may be interesting to the closet Philosopher, but wants a certain blended infusion of Spirit, to give it life and constitution sufficiently vigorous, to carry it's Descent to the remote ages of Posterity.

The

The same observation applies still more forcibly to the BIOGRAPHER. HERODOTUS and XENOPHON, TACITUS and LIVY, would hardly have remained to animate our feelings and excite our enthusiasm, if they had not been furnished with the *active* materials of Wars and civil Com-motions ;—by bringing all the passions into play, they furnish out the lights and shades of Character, and developé the inmost Re-cesses of the human Heart—*hence*, our admiration and delight on perusing those classic Pages.

Nature herself holds this language.—The Tempest exhibits all the variety of the Sublime, to excite Wonder and Emotion. The blood is quickened into Circulation, and we feel blended Emotions of Terror and De-light, so grateful to the mind of Sensibility, that Language reaches no way to the De-scription, while the milder Beauties of the serenest sky are viewed with the most tame and torpid Indifference.—The powers of
Nature

Nature must be roused, agitated, called forth *energetically*, in order to please : even the voice of wisdom is feeble, languid, and nerveless, unless aided by a certain degree of Enthusiasm. Deduct this ethereal spirit from Historians, Orators, and Poets, and what do you leave them ?—a mere *caput mortuum*, the Body indeed remains, but the Soul takes it's flight, and vanishes in air.

It remains to the Recorder of Character to lament, that relish of Satire and Invective, that *poignancy of flavour* which quickens the appetite, and renders it so grateful to the palate of modern Depravity, but which, however fervid may be his love of *virtue*, he endeavours in vain to infuse into her praise ; the *unattemper'd* sweetness of panegyric induces satiety and languor—it is taken up with no ardour, perused with no avidity, and laid down without any regret. The venerable oak never looks so noble as when Eurus agitates her boughs.

Had

—Had *Sallust* chosen for his subject the god-like integrity of *Cato*, instead of the fell profligacy of *Catiline*, the envious scythe of Time would, ages since, have swept away his sweetly pregnant Sentences, and deprived us of all knowledge of that elegant Historian.

Under the impresson of this idea, we detail what FEW FACTS have come to our knowledge of BARON HOTHAM.

The virtues of his Heart have contributed to render him universally beloved in private Life, and esteemed in his Judicial Capacity; but he does not by any means possess that fire and brilliancy of Genius which irresistibly attaches the notice of mankind, and warms the Panegyrist with the ardour of Enthusiasm. BARON HOTHAM may deserve the *whisper* of approbation, but he will never be saluted with the obstreperous Blast from the Clarion of Fame.

When

When a *Counsel*, he attended the Chancery Bar *little known*, and although an admirable Scholar, and a well-read Lawyer, yet *so very little distinguished* in Practice, that his Elevation to the Bench, not unfrequently produced the mortifying Enquiry, —WHO IS HE?—WHAT'S HIS NAME?

BARON HOTHAM is nevertheless RESPECTABLE upon the Bench; and it has been observed, that whenever called to the administration of *Criminal* Justice, the Humanity, the Solemnity, and impressive Pathos of his Address to Prisoners, has melted the most obdurate to Contrition and Repentance.

The Country may be justly congratulated on it's Happiness, that boasts such Judges as BARON HOTHAM :—The Feelings of the People would be gratified by his Translation to the Presidency of the Court of Chancery, for

for which Seat he has every necessary Qualification*, both of Head and Heart.

* We except that of *Speaker* of the House of Lords.—
He wants that BOW-WOW MANNER, and BRAZEN FRONT so necessary to control the Tumult of Popular Assemblies.

THE

THE HONOURABLE

Sir RICHARD PERRY, Knt.

One of the BARONS of the COURT of EXCHEQUER.

Alcandrumque, Haliumque, Noemenaque, Pritanyaque

VIRGIL.

He knows full well, who oft pursues the Game,
That in a Pack each Hound must have his Name.

TRANSLATION.

MR. PERRY was admitted a student of the Inner Temple, the 27th of April 1746, and called to the bar the 3d July in the following year.

His Progress to Business was slow, but it was of gradual Increase ; and although confined

confined to the Court of Chancery, it was, during the latter years of his practice, so extensive, as to ensure him a Brief in almost every Cause and Motion agitated in that Court.

The reputation that accompanies, or rather precedes extensive Practice, recommended him to the Honours of the Profession.

Mr. Perryn was made a Serjeant, in Easter Term 1776, and very soon after a Baron of the Exchequer.

It is generally understood, by whatever means a man may advance himself in life in other professions, in that of the Law at least, that great Practice is an Indication of proportionate Genius and Abilities.—This however is not always the case—Attornies and Solicitors, (the Counsel's best Patrons) are not always the best judges of Merit—with minds narrowed by an uniform adherence

herence to Practical Rules and technical Jargon, they do not always discriminate between the Pedantry of Professional Phraseology, coupled with an ostentatious display of Reading and real Genius, aided by profound Erudition.

Neither are there wanting *other ways*, by which Barristers *may* attach the Professors of the mechanical part of the Law to their Interests.

Great industry will do much—and, frequently, much depends on a fortunate *entré*! The favourable Decision of a Cause at a young Counsel's outset, the hopes of which seemed desperate, and which yet might *chance* to owe a fortunate Turn, more to some unexpected Incident than to any merit of it's Leader, has been known to go farther in advancing a growing Reputation, than the most elaborate Science, and great resources of mental Endowments.

To which of these causes Mr. Perryn's vast accession to business is to be attributed, is left to the Decision of those who shall deem the History of his Life worthy more laborious Research: certain it is, that his Talents are by no means *of the first impression*; and, notwithstanding the extent of his Business as a Barrister, it is well known that he was held *cheap* by the great Cotemporaries with whom he practised, particularly so, by ONE great Character in the Court of Chancery.

His language is poor, insipid, and nerveless; his manner conveys an idea of Weakness and Insipidity—his Arguments might be well, and even judiciously arranged, but carried no weight or force with them.

BARON PERRYN, as a *Judge*, is, we dare say, possessed of competent Legal Knowledge: that he is a humane, upright, and
good

good man, the whole world bears ample testimony.—In a private capacity he is very much the Gentleman, and Man of Fashion ; perfectly easy in his deportment, and amiable in his manners.

about 1840, and a short time after that
the same place was visited by a party
of 100 men, and the same place was
visited by a party of 100 men, and the
same place was visited by a party of 100 men.

THE HONOURABLE

Sir ALEXANDER THOMPSON, Knt.

One of the BARONS of the EXCHEQUER.

You wear out a good wholesome forenoon in hearing a Cause between an orange-wife and a fossfet-seller, and then adjourn a Controvesy of three-pence to a second day of Audience.

SHAKESPEARE'S CORIOLANUS.

IN every drama some characters are introduced for the sole purpose of filling up the scene, and occupying the little intervals between the *exit* and *entrés* of more important Characters.

On the Theatric Stage it sometimes happens, that those *necessary*, though uninteresting Characters, are decorated with the trappings and paraphernalia of Royal
and

and Senatorial Dignity, and, in the little Drama here submitted to the Public, it must not be wondered, if some such *personæ* make their appearance in the Judicial Robe.

Mr. Baron THOMPSON would not, perhaps, *so soon* have attained his present elevated Situation, without some more powerful Recommendation than his own Talents ;—great Industry, however, aided by strong Claims of *nature and sympathy* upon illustrious Patronage, effected, in very early life, what many revolving years of Application, assisted by Genius, would not, perhaps, have *at all* accomplished.

Mr. Thompson was born at Wolverhampton, in Staffordshire, where he was also educated.

In Michaelmas Term 1764, he was admitted of Lincoln's Inn, and called to the Bar in Michaelmas Term 1769. His attendance was, from this period, confined

fined to the Court of Chancery, and his principal business that of a Draughtsman. The elaborate Forms appropriated to particular cases among the Greeks and Romans, shew the sense mankind have of the necessity of *written* Forms of proceeding in the administration of Civil Affairs; and he who, from long habit and labour, is become expert and dexterous at drawing up these Forms, is certain not only of acquiring considerable emolument, but a certain degree of secondary professional reputation, proportionate to his utility. The ability indeed of attending to a long series of complicated Facts, surveying the whole train of consequences resulting from them, stating and connecting these Facts in a clear and conspicuous method, so as to convince the judgment of their truth, agreement, and consistency, requires not only strong natural capacity and clearness of intellect, but the most prodigious labour.—A Bill in Chancery, 'tis true, is like no other species of human composition;

tion ; but it is no reflection on the soil that weeds grow up with the fruit ; it is on those who neglect its cultivation.*

Great experience in this kind of business and the habit of searching into the Books for Cases, probably made Mr. Thompson a useful Assistant to his Patron, - and *accelerated* his preferment ; neither could it fail to give him a certain *currency* in the profession : but the mere Lawyer, without being distinguished by *some powers* as a Speaker, can never be a character of *consequence*. SPEECH is the distinguishing characteristic of the human species, and the sphere of its utility is wonderfully enlarged, by those who are in any degree *masters* of it.—The meanest possess it for the common purpose of social intercourse ; but that *perfection* of Speech which lays claim to the name of *Eloquence*, elevates it's Possessor as much above the rest of his kind, as the faculty of

* See Dialogues on Law, 8vo.

of Speech raises the common herd of mankind above the other Tribes of animal Nature. The Orator is the Bulwark of the Constitution, and the Guardian of Public Tranquillity, who, by his sway, connects Men into Society, and whilst he opposes himself to the pernicious consequences of Anarchy and Confusion, is beheld with a kind of reverential awe by the factious and ambitious.—The Orator is the Spring by which every Government is actuated.——Some indeed have held Eloquence rather a meretricious than a meritorious Art, and have not been wanting in assertions, That *England*, as well as *Athens*, have seen their wisest Counsels dissipated by the breath of Oratory; but it is common for people to speak slightly of what *they* cannot attain—it is the Gift of Heaven—a moment's Eloquence is worth an age of Study, and the proof of *ascendancy* should be the Rule to judge of it's Importance.

It

It is, however, unnecessary to enlarge upon it's utility, where examples are so numerous ; and, considering how very far the Name prefixed to the subject of this short Memoir is removed from *all pretensions* to Oratory, it might be inferred to insinuate an insult never intended to be conveyed by these Strictures.—*Let us return from Observation to narrate Facts.*

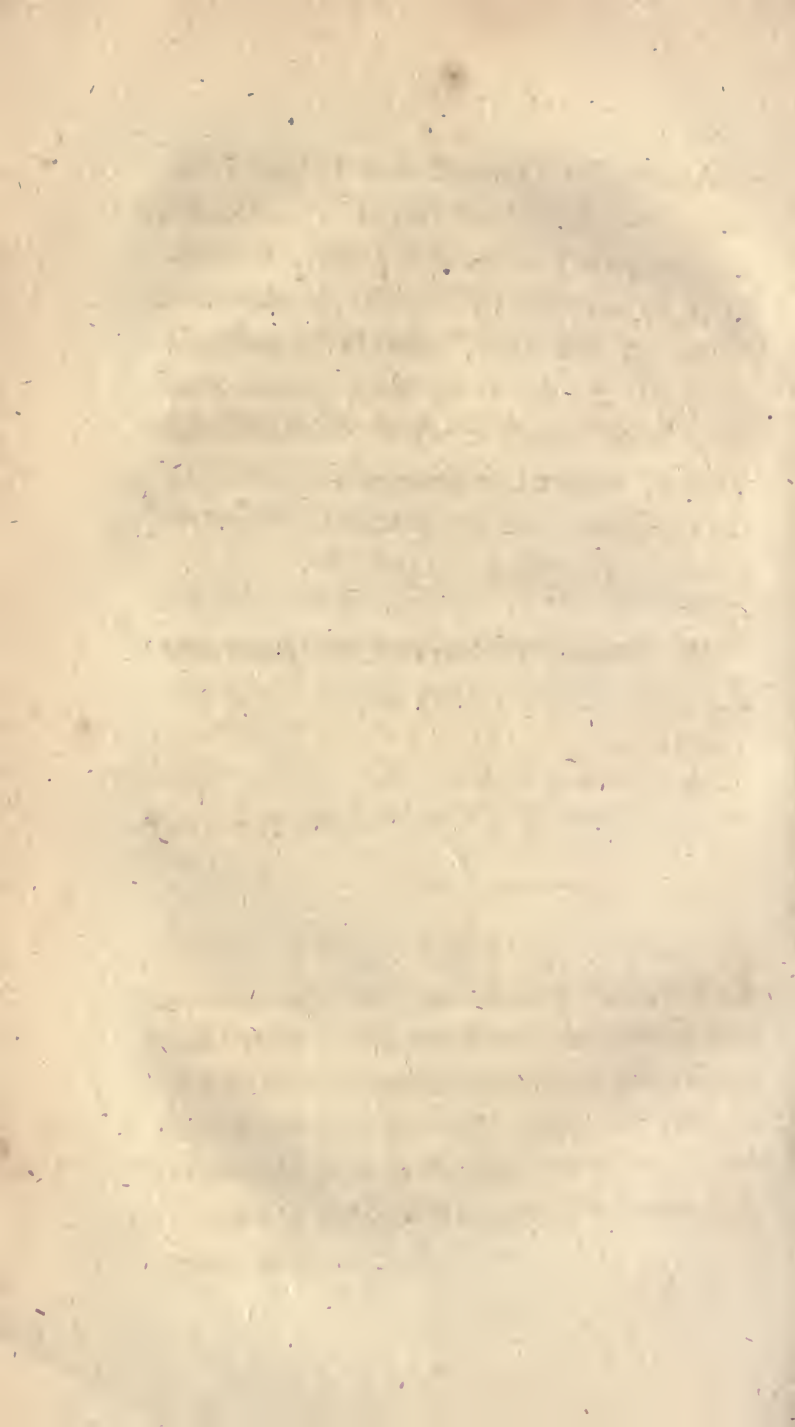
Mr. THOMPSON was, in Michaelmas Term 1782, made a Master in Chancery, a promotion which many eminent Barristers decline, as it generally conveys an idea of what is called *laying by on the high shelf*. It proved otherwise in the instance before us.—

In Hillary Term 1786, Mr. THOMPSON was appointed Accountant General ; and in the year following, on the resignation of Chief Baron SKYNNER, made *puisne* Baron of the Exchequer, and received the honour of Knighthood.

Among

Among the *Traits* of this Judge's Character, we should not forget to particularize his great *Timidity* and *Diffidence*, Qualities so proverbially singular in the Professors of the Law, and so inconsistent with all the habits of their Lives, that they almost imply a want of intellectual Vigour, proper to discharge the Duties of the Profession :—Fear, in excess, confounds both understanding and purpose.

Mr. Baron THOMPSON, is an amiable character, and perfectly respectable in private Life.



THE HONOURABLE

Sir ARCHIBALD MACDONALD, *Knt.*

His Majesty's ATTORNEY GENERAL

Too low for a high Praise, and too little for a great Praise.

Seest thou not the air of *court* in these enfoldings?

Hath not my gait in it the measure of the *court*?

I am a courtier *cap-à-pée*.

SHAKESPEARE.

EXOTICS in the *natural* world, seldom root so well in any *other* as in their own strata; but in the *moral* world, we find it directly the reverse. We have daily examples of a drudging *Scott*—an impatient *Irishman*—and even an *homely* WELSHMAN, benefiting

benefiting by transplantation; and we have been particularly led to this reflection, on close contemplation of the subject of this brief Page. SIR ARCHIBALD MACDONALD would, most probably, have remained but a weak *slip* from the paternal Tree, perhaps productive of little fruit, nor remarkable for any striking foliage, had he been left to rot or ripen on the barren soil that first raised and nurtured him into existence.

SIR ARCHIBALD is the son of SIR ALEXANDER MACDONALD, of *Slate*—the representative of the *Kings* and *Lords* of the ISLES—a title of more *sound* than *importance*; yet tenaciously kept up, and vauntingly noted in the Archives of the family. The mother of the Attorney General was the LADY MARGARET MONTGOMERY, a daughter of the NOBLE HOUSE of EGLINTON.

The family of Sir ALEXANDER may be justly esteemed amongst the most fortunate

fortunate of his country, for every branch of it has been patronized either by natural or acquired favours. SIR JAMES, who afterwards succeeded to the Baronetcy of his father, will be universally remembered as a prodigy of early abilities: but the full blown Flower of Genius failed, in a *certain* degree, to answer the promise of it's first opening. The *second* son, ALEXANDER, by dint of application, and the force of merit, was created an Irish Baron in the year 1776; and Sir ARCHIBALD, of whom we are now speaking, has, by a fortuitous turn of circumstances, succeeded to two the most important offices of his Profession,—those of *Solicitor* and *Attorney* General.

If we view Sir Archibald's first *practice* at the Bar, a word synonymous with *legal Reputation*, we shall find it to have been extremely scant;—A Fee, *now and then*, in Scotch appeals, being the summit of his Experience, or indeed expectations.

His

His latter success has been owing, like some others of his Brethren, more to the *Petticoat* than to the *Gown*.

SIR ARCHIBALD, it must be remembered, is connected, by marriage, with the House of STAFFORD, having espoused Lady GOWER, a daughter of the present *noble* MARQUIS. From the powerful interest and influence of such an alliance, Preferment might naturally be looked for, nor has it been looked for *in vain*. On the first vacancy, we accordingly observe Sir ARCHIBALD constituted Solicitor General; and on the advancement of Sir PEPPER ARDEN, he succeeded him as Attorney General.

It had formerly been accepted as a maxim, That these great Crown Officers should stand forth, as strong Ministerial Holds in the HOUSE of COMMONS;—but *moral* and *political* data, as we have more than in *this* place observed, have occasionally
given

given way to progressive Improvement. Our present happy Minister has learned to conduct the Nation; if not honourably, with respect to himself; at least safely, WITHOUT ANY SUCH FOREIGN AID—or INDEED ANY AID AT ALL:—He is the responsible First Lord of the Treasury, and Chancellor of the Exchequer; and, besides these, generally conceived, First Commissioner of the Admiralty—the Secretary at War—and the Secretary of State—*CUM MULTIS ALIIS.*

He is the Atlas of the State, and his Conduct seems to discover an Ambition of standing *alone*, unsupported by any Abilities but his own;* we should not be surprised (having been called to the Bar),

* In an elegantly written Pamphlet, entitled, *A REVIEW OF THE POLITICS OF GREAT-BRITAIN, IN 1787*; the same idea is thus happily expressed and enlarged upon:

Mr. PITT himself, comprehends almost the whole of Administration.—With *Atlantean* shoulders he supports the incumbent weight of the Monarchy, and stands, like

AJAX,

Bar), if he was *also* to do the business of the Court of Chancery. Lord NORTH monopolized the abilities of the Kingdom in defence of his Measures, having enlisted under his Banners the formidable Names of THURLOW, WEDDERBURN, NORTON, and

AJAX, SINGLE AND ALONE, amid Hosts of surrounding Enemies. One, and one only Friend, appears decorated with the insignia of Legal Dignity, to oppose, in another House, the attacks of Opposition. Wherever else I look, I see only a vast Vacuity; a Vacuity, where no Talents, no Powers of Oratory, no Strength of Intellect, illuminate the darkness, or cheer the gloom! The names of a SYDNEY and a CARMARTHEN, can only be transmitted to future times, by being involved in the illustrious Train of PITT, and must be preserved from Oblivion, by mixing in his Radiance. They may “pursue the Triumph, and partake the Gale,” but never can mingle in the splendour of Renown: too happy, if their want of ability screen them from Investigation; a JENKINSON and a DUNDAS may, indeed, supply the defects of the Cabinet in either House of Parliament: but England was not accustomed, in better times, to see the foreign Interests of her Crown thus abandoned and thus neglected, in every Court of Europe, and in every quarter of the Globe.

It is not sufficient for Men, who assume and undertake to conduct the Affairs of Nations, that they possess Probity
and

and DE GREY,—Who are the Champions of PITT?—RISUM TENEATIS!—Sir RICHARD PEPPER ARDEN, Mr. BEARCROFT, and Sir ARCHIBALD MACDONALD !!!!!!!!!

But to return——Sir ARCHIBALD MACDONALD, as a *Lawyer*, has given very few Specimens of striking Abilities; as a *Speaker in Parliament*, fewer still; but, as a *Private Character*, no man is more estimable or amiable.

and good Intentions. Talents and Application must mark them out from among the Croud of Nobility who surround the Throne, and entitle them to occupy the dangerous Eminences of State: nor, when these are wanting, can any adventitious Decorations of Rank, or Illustrious Birth, be admitted as a compensation for such inherent and incurable Defects.

THE HONOURABLE

Sir JOHN SCOTT, Kt.

HIS MAJESTY'S SOLICITOR GENERAL.

Pleasant without scurrility—witty without affectation—
audacious without impudence—and learned without
opinion.

SHAKESPEARE'S *Love's Labour Lost*.

— He hath a prosp'rous art
When he will play with reason, and discourse,
And well he can persuade.

SHAKESPEARE'S *Measure for Measure*.

IT would be a curious, and by no means
a useless gratification, to review the Revo-
lutions of Taste in the different Periods of
English History, and observe the very dissi-
milar Means which varied Manners hold
out to the aspiring and ambitious in the
Career of Fame. The same Path that is
obstructed in one Age by endless difficulties,
is opened by the flattering hand of Invita-
tion and Incitement, in another.

Monkish.

Monkish Habits were, in other Times, a Prelude to the Statesman's Robes, —Honours and Emoluments were only lavished upon Churchmen, and those of minds enslaved by the gross Bigotry of Monastic Life. Every Department of State was Priest-ridden;—the Helm of England has been conducted by the tyrannic Hand of a Butcher's Son ! under the Sanction of these *Trappings*.

To *this* succeeded a more liberal Age. Elegance and Refinement were seen, like the great Luminary of the World, emerging from a Cloud, and bursting through the gloom of Monkish Ignorance. Polite and speculative Literature succeeded the dull Jargon of the Schools ; and Poets and Philosophers were called to occupy the first Offices of State.

A succeeding Revolution dethroned the Muses, to make way for the Men of Law. The present may fairly be denominated the *Age of Lawyers*.—Formerly Men were
whelmed

whelmed in the vassalage of Priesthood.—Priests were in those Times a kind of Solicitors in the Chancery of Heaven, invested, however, with all it's Plenitude of Power on Earth.—Lawyers *are* now, what Priests *were* then ; and the Tribute paid to them, is as great as Superstition once rendered to the Church.

Men of this Profession, without Birth, Family, Connections, or Wealth, are daily raising themselves to the highest Dignities of State ; and the Character, now under consideration, will probably live to be decorated with a Commission, that will give him Precedence over every Lay Subject of the Kingdom. How long the Law may possess this great Superiority, and the Bar remain almost the only Avenue to Wealth and Fame, may be a matter of great speculative Curiosity to the Philosophical Observer ; but not being directly pertinent to the Subject before us, it must pass us undiscussed, while we proceed to narrate what we know,

or

or have been able to obtain, respecting Sir JOHN SCOTT, from the strictest enquiry.*

Sir JOHN SCOTT is the Son of a respectable Tradesman in *Newcastle*. His elder Brother, Sir WM. SCOTT, was bred up in the Practice of the Civil Law Courts, and is at this Time a Doctor of Laws, and His Majesty's Advocate General, and will, in all probability, rise to the highest Honours in the Ecclesiastical Court. SIR JOHN, then Mr. SCOTT, was admitted a Student of the
Middle

* That the Bar will not always maintain their present Pre-eminence, may fairly be inferred, not only from preceding Revolutions of National Taste and Circumstances, but also from the History of other Nations. We may observe, even in OTHERS, the different Degrees of Respect in which the Orators, or Pleaders of Causes, were held at different Periods; and in ROME, we have still more striking Examples of the mutability of Professional Respectability and Opulence. The immediate Successors of CICERO found the Bar the most honourable and lucrative Profession; but, in the Time of JUVENAL and PERSIUS, the Case was so much otherwise, that their Poverty, and the wretched insignificance of their Fees, were become Proverbial Reproaches to the *whole Tribe* of Orators.

Middle Temple of Hillary Term, 1772; and after studying with much application, keeping his Terms regularly, and attending the Court of Chancery with great assiduity during the usual Season of Probation, was called to the Bar in Hillary Term 1776.

He devoted his attention principally to the Practice of the Courts of Equity. Indeed, for several years after his Call to the Bar, with a Timidity natural to his Character, he shunned, as much as possible, appearing even at the Chancery Bar *as a Pleader*; confining himself almost entirely to the Business of a Draughtsman, in which he was reputed extremely able, and in which he had vast Practice.

Many have forced themselves, in this Profession, into public notice, by resolute and persevering Industry, which the strength of their constitutions have enabled them

them to support ; and not a few have succeeded by means of that *florid energy* of Character, distinguished by the word ASSURANCE ; but Sir John Scott is a singular instance, where the Source of Advancement in life is to be traced to great natural Modesty and Feebleness of Constitution, which is too apt to operate as a check upon young Ambition's Wing ; and is very rarely, indeed, productive of advantages in the road to Fame and Fortune. Such was, however, the case in the present instance ; Mr. Scott, finding his health unequal to Confinement, and the sedantary Life of a Draughtsman, meditated a Change in his Plan of Life ; and doing violence to his Feelings, sought the nearer Path to Fame by the Road of Eloquence.

The Attempt succeeded far beyond his own hopes, or the Expectations of his Friends.

As

As a Draughtsman, Mr. Scott had always distinguished himself by the Neatness and Accuracy of his Pen. In his Bills, in his Answers, in his Conveyances, every Thing seemed arranged in the most correct and orderly Manner, and expressed in the neatest and most appropriate Language, which the formal Jargon of the Law would admit ; and now, as a Chancery Advocate, the same Ingenuity, Precision, and Clearness, distinguish all his Pleadings.

His Speaking, is of that subtle, correct, and deliberate kind, that has more the appearance of written than of oral Eloquence. He branches forth his Arguments into different Heads and Divisions ; and pursues the respective Parts through all their various Ramifications, with such methodical Accuracy, that Argument seems to rise out of Argument, and Conclusion from Conclusion, in the most regular and natural Progression ; so that those who are not acquainted with his Practice, would
suspect

suspect that he had studied and prepared his Speeches with the most diligent Attention; while others, who are better acquainted with the Business of the Courts, feel their Admiration and Surprise increased, from the Knowledge that a Man of his extensive Business, so far from *studying what he shall say*, can scarce find Time to glance his Eye over the numerous Papers that come before him, but must catch his Knowledge of the Cause, not so much from his Brief, as from the Opening of the Junior Counsel, and the Arguments advanced on the opposite Side.

He is also particularly distinguished for his Aptitude and Ingenuity in Reply.

His systematic mind seems to methodize, with inconceivable rapidity, the Arguments of his Opponents. In the short space of Time between the Pleadings of his Adversary, and his Reply, every Thing seems digested and disposed, and his

his Mode of Replication seems planned in the nicest Order. He will frequently take up the concluding Argument of his Opponent, or, at other times, seize upon some Observation which had fallen in the middle of the adverse Speech. Here he will begin his Attack; and proceeding by his usual clear and deliberate Method, pursue one regular Chain of reasoning, till he has confuted, or at least replied to, every Proposition advanced against him.

Mr. SCOTT is little known *out* of the Metropolis, or *in it*, but as a Chancery Pleader.—The Subtlety of his Metaphysical Reasonings are admirably adapted to the Practice of this Court.

There are certain Characters, who, from being themselves remarkably *overbearing* and *assuming*, are particularly pleased in others with that Modesty and Diffidence, which give them no Trouble by painful Opposition, or assuming the Appearance
of

of Competition, by a resolute Adherence to Argument and Disputation. It is therefore probable, and a variety of Instances support the Supposition, that notwithstanding Mr. Scott's acknowledged Talents, he owes his Success, in a great measure, to that Urbanity of Manners and Diffidence, which has avoided, as much as possible, all Opposition with the Bench.—Be this as it may, the present Chancellor took very early Notice of him, and gave him his Countenance in Practice, in a way extremely unusual with him.

One time, in particular, while Mr. SCOTT was yet but *rising* into Notice, the Chancellor having been particularly pleased with his pleading, and having paid him the most marked Attention during all the time he was speaking, desired, at the breaking up of the Court, to speak with him in private:—however embarrassed with the unexpected Honour, he instantly obeyed the Summons, and they retired together.

The

The Chancellor congratulated him on his rising Merit, and offered him the then vacant Mastership in Chancery ; at the same time observing, that he did not press his Acceptance, since, in all probability, he might in time do better.

The Office of Master in Chancery is looked upon, by the Professors of the Law, as a kind of HOSPITAL FOR INVALIDS, where those, whom Connections, or Application, have reared to a certain Rank, sometimes find a calm and idle retreat for Life, with a comfortable Stipend, and *good Accommodation* ; but from whence they are seldom called again into more distinguished Scenes of Action, that lead to the high Offices of State. But Mr. SCOTT (tho' as we have observed before, much of a Valetudinarian in Constitution), probably feeling himself rather encouraged by this Conversation, to pursue the arduous Path of Fame, than to repose himself in this obscure Retreat, politely declined the Offer, and

and wisely trusted to his Fortune and Industry for the attainment of still higher Honours.

How much this Anecdote must have contributed to raise the young Pleader in the Opinion of the Profession, may be easily imagined. Certain it is, Mr. Scott had a greater Run of Business than any Counsel at the Bar.

In 1783, a Patent of Precedency was granted him, by which he became entitled to all the honours and advantages of the Silk Gown, and ranked with the King's Counsel.

Mr. Scott was soon after introduced into Parliament, having been returned for the Borough of *Webly*, in *Hereford*.

In the commencement of his Career, as a Political Character, and a Parliamentary Speaker, we must refer to the date of

Mr.

Mr. Fox's celebrated India Bill ; and upon this occasion it must be observed, that he seems to have foregone the *wonted Modesty* of his Character, by putting himself not only in opposition to LEE, the then *Attorney General*, a Man of acknowledged Abilities, but against the British DEMOSTHENES, the Champion of Patriotism.

What were the specious Pretexts on which this Bill was opposed, what were the Nature of Mr. SCOTT's Arguments, and what the fate of the Bill itself, are Topics unnecessary to be here enlarged upon. However unpropitious this Event might be to the Interest and Welfare of this Country, it was very far from having any ill effects on the Fortune of Mr. SCOTT.

Eminence in our Courts, is a sure Conductor to the *Path* of Promotion ;—but it goes no further, *of itself*, than to the

THRESHOLD of preferment ; a certain *pliability* and *elasticity of Principle*, which can wind thro' the mazes of Political Intrigue, and a facility of shaping Opinions to the Fashion of the Times, are essential Requisites for conducting him to the Goal. In these respects, to speak plainly, Lawyers are seldom deficient ; Their habits of representing whichever Side they feed upon, as that, which Truth and sound Reason support, naturally leads them, in time, to consider Truth and Reason as only to be found on the side of Interest. From this temper of Mind, perhaps many of those rapid Advancements to Power and Opulence, which have distinguished the Barristers of the present Century may be accounted for ; and perhaps even the forcible Reasoning, and correct Diction of Sir JOHN SCOTT, might not as readily have smoothed for him, the Road to his present Honours, had not his *Principles* led him so readily, and so zealously, to espouse the Sentiments of those, it had already been determined should be advanced to

to Administration, and who held the Reins of Power *at the Dissolution of the last Parliament.*

Since the Change produced by the Measure above stated, no material alterations have taken place in Cabinet Arrangements, and Sir JOHN SCOTT has *hitherto* persevered in a uniformity of Conduct. In the Year 1788, he distinguished himself as the illustrious Father of the *Declaratory Bill*; an explanatory Act, of which it may be said, as it has of many Commentaries upon Homer, that it pointed out Meanings and Interpretations invented long after the Original was digested, and gave the Authors of the Performance, it pretended to elucidate, the Honour (*such as it was*) of Inventions, about which, at the time it was composed, they were not bold enough to think, even in their wildest Dreams.

The Consequences of this extraordinary Measure, were as advantageous to Mr.

SCOTT, as the Bill itself was alarming to the Friends of Liberty. The latter, it is true, were left to mourn, in astonishment, the security with which Measures might be introduced by slow, *jesuitical* and nefarious means, that would have instantly died in the Lustre of open Day.

These were Services that never go unrewarded. In 1788, Mr. SCOTT was knighted, and made Solicitor General.

Among the other *Patriotic* Measures of Mr. PITT's Administration, to the Honour of which Sir JOHN SCOTT may justly, in part, lay claim, we must not forget, that in him *originated* the Legal Doctrines and Subtleties of the *Regency Bill*.

As a *Parliamentary Speaker*, Sir JOHN SCOTT's Merit, is very inferior to his Professional Ability as a *Pleader*. The technical Modes of Speech, and the formalized Habits of the Courts, *attach* him so strongly upon all Occasions, that he can
never

never hope to charm a popular Assembly, or command the Applause of Senates.—He wants the Warmth and Animation, the bold declamatory Vehemence, that distinguish the Senatorial from the Forensic Orator.

SIR JOHN SCOTT always begins in the House of Commons with a low and embarrassed Tremulation of Voice, which subsides very gradually, and sometimes not at all.—He is always shrewd, clear and sensible, but very seldom energetic and impressive—*never* animated.

As a *private* Character, Sir JOHN SCOTT is perfectly the Gentleman : easy, polite, and affable ; neither assuming among his Friends, difficult of Access, or fastidiously reserved, to Strangers. With the Manners, he also blends the Exterior of the Gentleman.

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Mr. ANSTRUTHER.

*Adscisset nova, quæ Genitor produxerit usus :
Vehemens & liquidus, puroque simillimus amni,
Fundet opes, Latinumque beabit divite Linguâ :
Luxuriantia compescet ; nimis aspera sano
Levabit cultu ; virtute carentia tollet :
Ludentis speciem dabit, ac torquebitur, ut qui
Nunc Satyrum, nunc agrestem, Cyclopa movetur.*

HOR. EPIST.

THE multifarious *Biographer* is, in some particulars, not unlike the *Painter*. The mere catching the *identity* of striking features, is to *both* almost a work of mechanical ease ; but to give a *varied attitude*, and a *still rarer character* to the picture, is, to the one and the other, the knotted perplexity (TRINODA NECESSITAS) of the art he cultivates.

The Gentleman of whom we now attempt a faint Sketch, will not, we hope, be ashamed

ashamed to look on a Portraiture handled with much *Faithfulness*, though with little Taste. In one thing, at *least*, we may take credit—that we shall not suffer by the test of COMPARISON, as we believe he has not fat to another Artist.

Mr. ANSTRUTHER is indebted to Fortune for some accidental Advantages, that might have benefited more, had they fallen elsewhere, than where they did. It may suit the booby Heir of a rich House, to have his Wants provided for, even before he knows that he has any; but GENIUS in every Clime, will force to her Necessities the Tribute of the Alien.

On the Pride of Birth much might here be arrogated. If to be descended from one of the oldest Families of an antient Kingdom, were, in these times of happy Illumination, any thing to boast—He is the son of SIR JOHN ANSTRUTHER, Bart. of Ayreshire, in Scotland, who connects

nects with a handsome Rent-Roll, considerable Parliamentary Interest.

At an early age, young ANSTRUTHER was recommended to Glasgow, and there to Dr. MILLAR, the celebrated Professor of Humanity. They who were lucky enough to have brought hither any Talents, might be assured, at least, not to leave the place with less Knowledge than they came.--Our *Tyro* would, however, have bidden farewell to the Academic Walls, with little increased Knowledge, but for the incessant Industry of his great Preceptor; for he is said to have been the idlest boy of his Class. When recalled from College, he began, however, to feel the Necessity of an established Pursuit, and a fixed Attention on the prosecution of it. Left to himself, he did not long hesitate where to determine—but fixed at once on the Study of the Law.

In

In 1774, he was admitted of Lincoln's Inn—and called to the Bar in Hillary Term 1779.

His progress in professional Avocations, has been more observable for the *Certainty* of the *Retainments* of what it has *once* possessed itself, than of *quick Attainments*, Nor can it any way be at all impeached for having been pushed by unfair and disreputable Practice.

Mr. ANSTRUTHER, in the Declaration of his Opinion *as a Lawyer*, is *slow*; but to make ample amends, he is for the most part, *sure*. He is consulted on all great Questions of Law, arising in his own Country, and has often evinced, by a large Display of *local Learning*, that a more able Advocate could no where be engaged. Perhaps there is no Branch of Pleading more honourable than that of Scotch Appeals; more *lucrative*, it may roundly be said, there cannot be; and he is not without

out a proportionate Division of *diurnal* Business in the Court, where he is more especially called to Practice.

He had not been long on the Books of Lincoln's Inn, when a Prospect of a Seat in the House of Commons presented itself, too flattering to be resisted. He has been twice returned to Parliament.

His conduct in the Senate has been uniform. He conceived an early Attachment to Mr. Fox and his Politics, from which he has never swerved in *all the trying Vicissitudes* of his great Leader's Fortune. He is, to the Party with whom he acts, an able Coadjutor. In his Arrangement of public Concerns, in his easy reference to remote Facts, he affords a useful, though *tacit* Assistance, to his more talkative Associates ; nor has he ever hurt the Cause he espoused, when he ventured to rise in support of its Merits.

His

His regular Attendance in the Committee of Enquiry into the Affairs of India, not ten years tedious Process has been able to appal. To his Indefatigability, may be ascribed the Honour of his being appointed by the Commons of England to share in the Management of the Impeachment now carrying on, in their Name, against WARREN HASTINGS, Esq.

The Speech on the Opening of the Charge entrusted to his Hands, was a grand Specimen of Oratorical Abilities, and discovered a wonderful Possession of the Subject he was required to illustrate. Where *the present* Lord CHANCELLOR deigns to commend, it may very fairly be presumed there is positive Desert; and his Lordship could not withhold his Approbation on the Spot.

His Speeches on the *Regency Bill*, the *Declaratory Act*, and Mr. PITT's *India Bill*, did him equal Honour.

Mr,

Mr. ANSTRUTHER's Oratory is by no means SHEWY. His Characteristic is *forcible Argument*, conveyed in *neat, pointed* Language. He is said to affect the Manner of Lord LOUGHBOROUGH; and if so, is certainly an admirable *Copy*. As far as relates to Action, he has succeeded in the most exact Resemblance; but he who looks for the further Perfection of a *Volume* of Harmonious Voice, and the happy Energy of Animation, will be disappointed. Whenever Mr. ANSTRUTHER deviates from the *even, didactic, kind of Speaking*, his communicative Organs fail him entirely. Sometimes his Voice is thickly choaked; at others, it utters Sounds discordant, and ungrateful to the Ear of Harmony.

In *Person* he is above the common Stature, and rather inclined to stoop, probably from a sedentary Habit. His impaired Health may also, we suppose, be attributed to the same Cause.

The

The concluding Paragraph gives us more Pleasure than all that have forgone ; however in *Public* Life he may be admired of his numerous Partizans; it is far exceeded in the amiability and respect of his *Private* Worth.

Messrs. ERSKINE, PIGOT, MINGAY, and GARROW, were originally intended to follow the ATTORNEY AND SOLICITOR GENERAL ; but as a SECOND VOLUME (entirely confined to the great CHARACTERS of the BAR is ready for the Press, awaiting the Public judgment upon the PRESENT, it is judged better to reserve those very eminent Names, as a means of ENSURING a favourable Reception.

THE
JOURNAL
OF
THE
REVEREND
FATHER
JOHN
BAPTIST
MURPHY
OF
THE
SACRAMENT
OF
THE
ECCLESIASTICAL
SOCIETY
OF
THE
UNITED
METHODIST
CHURCH
OF
NORTH
AMERICA
DURING
HIS
PASTORAL
MINISTRY
AT
ST. LOUIS
FROM
1840
TO
1845
BY
J. B. MURPHY
NEW YORK
1846

(222)

After so much has been said of Lawyers of the present Day, the
Insertion of the following Character from an Old Writer,
may not, perhaps, be thought impertinent or improper:

THE
CHARACTER of an HONEST LAWYER.

BY H. C. ΧΙΛΟΝΟΜΙΟΥ.

Justitia cultor, rigidi servator Honesti, in commune bonus.

Licensed August 29, 1676, ROGER L'ESTRANGE.

AN Honest Lawyer is the life-guard of our
Fortunes, the best collateral Security for an
Estate: a trusty Pilot, to steer one through the
dangerous (and often times inevitable) ocean
of contention: a true Priest of Justice, that
neither sacrifices to fraud nor covetous-
ness; and in this outdoes those of a higher func-
tion; that he can make people honest that are
Sermon-proof.—He is an infallible anatomist of
Meum and *Tuum*, that will presently search a
cause to the quick, and find out the peccant hu-
mour, the litte lurking cheat, though masked
in never so fair pretences: one that practises

Law, so as not to forget the Gospel, but always wears a Conscience as well as a Gown; he weighs the Cause more than gold; and if that will not bear the Touch, in a generous scorn puts back the Fee.

Though he knows all the Criticisms of his Faculty, and the nice Snapperadoes of Practice, yet he never uses them, unless in a defensive way, to countermine the plots of Knavery; for he affects not the devilish skill of out-baffling Right, nor aims at the shameful Glory of making a bad Cause good; but with equal contempt hates the Wolfe's Study, and the Dog's Eloquence; and disdains to grow great by crimes, or build himself a fortune on the spoil of the oppressed, or the ruin of the Widow and Orphan. He has more reverence for his Profession, than to debauch it to unrighteous purposes; and had rather be dumb, than suffer his tongue to pimp for injustice, or club his parts, to bolster up a cheat with the Legerdemain of Law-craft.

He is not faced like *Janus*, to take a retaining fee from the Plaintiff, and afterwards a back-handed Bribe from the Defendant; nor so double-tongued, that one may purchase his Pleading,

ing,

ing, and the other at the same, or a larger price, his Silence; but when he undertakes a business, he espouses it in earnest—and does not follow a cause, but manages it. A mollifying letter from the adversary's potent friend, a noble treat, or the remora of a lusty present from the great, have no influence to make him slacken his proceedings; for he is so zealous for his Client's interest, that you may sooner divorce the sun from the ecliptic, than warp him from his integrity; yet still is his patron only *usque ad aras* (as far as just); for if once he finds the business smells rank, *St. Mark's* Treasure, or the Mines of *Potosi*, are too small a fee to engage him one step further.

As his profession is honourable, so his education has been liberal and ingenious; far different from that of some jilting pettifoggers, and purse-milking law-drivers, whose breeding, like a cuckoo's, is in the nest of another trade, where they learn wrangling and knavery in their own causes, to spoil those of other men, and, with sweetened ingredients of mechanic fraud, compound themselves (though simple enough) fit instruments for villany. But his greener years were seasoned with literature, and

and can give better proofs of his university learning, than his reckoning up the Colleges, and boasting his name in the Buttery book : he understands logic (the method of right reasoning) and rhetoric (the art of persuasion), is well seen in history (the free school of prudence), and no stranger to the ethics and politics of the antients. He is skilled in other languages besides *Declaration Latin* and *Norman gibberish* : he read *Plato* and *Tully* before he saw either *Littleton* or the *Statute Book*, and, grounded in the principles of Nature and Customs of nations, came (*lotis manibus*) to the study of our common municipal law, which he found to be *multorum annorum opus*, a task that requires all the nerves of industry ; and therefore employed his time at the Inns of Court, better than in hunting after new fashions, starting fresh mistresses, haunting the play-houses, or acquiring the other little town accomplishments, which render their admirers fine men in the opinion of fools, but egregious fops in the judgment of the wise.

In his study, he traffics not only with the infantry of epitomes, abridgments, and diminutive collectors in *decimo-sexto*, but draws his knowledge

knowledge from the original springs, digesting the whole body of the Law in a laborious and regular method, but especially aims to be well-versed in the practice of every Court, and rightly to understand the art of good pleading, as knowing them to be the most useful to unravel the knotty intrigues of the cause, and reduce it to an issue; yet hates to pester the Court with *Circuities*, *Negative Pregnants*, *Departures*, and multiplied *Inconveniencies*.

He never goes about with feigned allegations to cast a mist before the eyes of justice, that she may mistake her road, and assign the child to the wrong mother: endeavours not to pack a Jury by his interest to the Under Sheriff; nor to balk an Evidence with a multitude of sudden ensnaring interrogatories; nor maintains any correspondence with the Knights of Alfatia, or Ram-Alley Vouchers. He can prosecute a Suit in Equity, without seeking to create a *whirlpool*, where one Order shall beget another, and the poor Client be swung round (like a cat before execution) from Decree to Rehearing, from Report to Exception, and *vice versa*, till his fortunes are ship-wrecked, and himself drowned, for want of white and yellow earth to wade through

through on. He never studies delays to the Ruin of a Family, for the lucre of Ten Groats; nor, by drilling Quirks, spins out a suit more lasting than Buff, depending a whole revolution of Saturn; and entailed on the third and fourth Generation. He does not play the Empiric with his Client, and put him on the rack to make him bleed more freely, casting him into a swoon, with frights of a judgment, and then reviving him again with a cordial Writ of Error, or the dear Elixir of an Injunction, to keep the brangle alive as long as there are any vital spirits in the pouch. He can suffer his neighbours to live quiet about him, without perpetual alarms of Actions and Indictments, or conjuring up dormant Titles to every commodious Seat, and making Land fall five years purchase, merely for lying within ten miles of him.

He delights to be an Arbitrator, not an Incendiary, and has *beatus pacificus* oftener in his mouth than *currat lex*. He never wheedles any into endless Suits for trifles, nor animates them to undo themselves and others for Damage Feasant, or insignificant trespasses *pedibus ambulando*; but (as *Telephus*' sword was the best cure for the wounds

wounds it made) advises people to compose their assaults and slanders over the same ale that begot them ; nor does he, in weightier cases, extort unreasonable fees ; for whatever the foul-chapp'd rabble may suggest, a Lawyer's profession is not mercenary ; the money given him is only an honorary gratuity for his advice and trouble, or a grateful acknowledgment of our obligations for his well-intended endeavours ; and the old emblem of the brambles tearing off the sheep's fleece that run to it for shelter in a storm, can have no reflection upon him, whose brain is as active, and his tongue as volatile, for a penniless pauper, as when oiled with the *aurum potabile* of a dozen guineas.

In a word, whilst he lives, he is the delight of the Court, the ornament of the Bar, the glory of his profession, the patron of innocency, the upholder of right, the scourge of oppression, the terror of deceit, and the oracle of his country ; and when death calls him to the Bar of Heaven, by a *habeas corpus cum causis*, he finds his Judge his Advocate, nonsuits the devil, obtains a liberate from all his infirmities, and continues still one of the Long Robe in Glory.

The AUTHOR'S APOLOGY.

THERE are a sort of spider-pated animals, that can suck venom out of the medicinal flowers; mischievous Drones! that have not only left off *laudanda facere, sed etiam laudare*; so far from doing any thing praise-worthy themselves, that they cannot endure the deserved encomiums of others. If any such vermin should light upon this innocent lucubration, and endeavour to turn panegyric into satire, by a left-handed comment, the Author thinks fit to anticipate their malice—that there lives not a person whose breast is fraught with a greater veneration for the Profession of the Law than himself, who had the honour of some mean education therein: But as he knows no true Gamaliel will wrong him with such a groundless suspicion, so he esteems the displeasure of griping Cause-jobbers, and Green Bag-dabblers, below his regard. It is their interest to be offended at the character of an Honest Lawyer, for the very same reason that hard-favoured Ladies hate Handsome Chambermaids; and may well imitate that Dawber's policy, who, having drawn a most miserable picture of a cock, hired a boy to pelt away all the live ones from coming near, lest people, by comparing, should discern the horrid ugliness of his own.

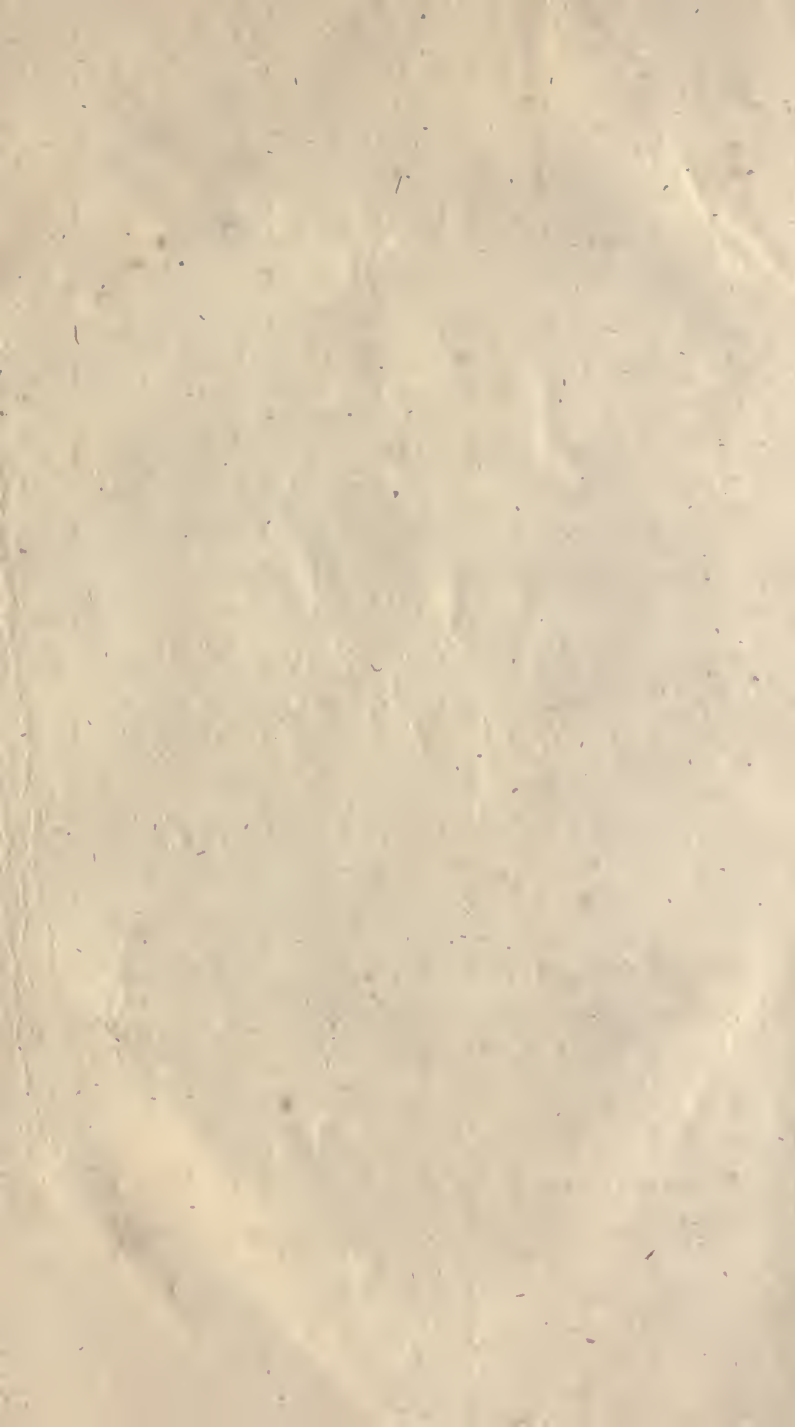


THE
SUBSTANCE
OF A
S P E E C H,
INTENDED TO HAVE BEEN
SPOKEN IN THE HOUSE OF LORDS,
NOVEMBER 22^d, 1803,

BY
R. WATSON,
LORD BISHOP OF LANDAFF.

LONDON:
Printed by Luke Hanford, near Lincoln's-Inn Fields,
FOR
T. CADELL AND W. DAVIES,

1803.



ADVERTISEMENT.

It was my full Intention to have delivered the Substance of the following Speech in the House of Lords : but perceiving that, as I proceeded in the consideration of the Subject, I could not comprehend, in a short Speech, all that I wished to observe, and being unwilling to take up the time of the House with my Speculations, I have thought fit, in this way, to give my Sentiments to the Public. My “ *Address*” to the People of Great Britain in 1798 was thought to do some Good ; and this Publication may, I sincerely hope, be of some little

little Use: but however that may be, I could not rest satisfied with being considered as a careless, cold, or timid Spectator of the common Danger.

R. L.

Calgarth-Park,

Nov^r 18th, 1803.

MY LORDS,

IN Obedience to his Majesty's Commands, and in compliance with my own Sense of Public Duty, I this day appear in my place in the noblest Assembly upon earth, convened by the most gracious Monarch that ever sat upon a Throne, and required to deliberate upon the most important Subjects that ever occupied your Lordships' attention, or that of any of your predecessors in this House.

I, my Lords, could have been well contented to spend the little remainder of my life in retirement, and buried in obscurity; indifferent, alike, to the calls of professional Emolument, and professional Ambition: but I cannot be contented to remain indifferent to the Summons of my Sovereign, in a time of

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distress;

distress ; deaf to the Calls of my Country, when its Existence is endangered.—Endangered we all know it to be : but where is the dastardly soul (none such, I am confident, is to be met with amongst your Lordships ; none such, I hope, is to be met with amongst any of those in whose hearing I now speak)—where is the dastardly soul, who accompanies his Prospect of Danger, with a Feeling of Despair ?

Without laying claim to any extraordinary degree of courage, any man, of an advanced age, who has well contemplated the short and slippery course of this world's concerns, may acquire such a firmness of mind, as will enable him to sustain with Stoical fortitude all the vicissitudes of fortune, which may await him ; or, (to speak in language more appropriate, I am sensible, to your Lordships' principles, more consonant to your feelings, as well as to my own,) to acquiesce, with Christian resignation, in every Dispensation of God. What Cause can such a man ever have for Terror and Despair ? On such a Man (I here see many such)—*Manca ruit semper fortuna.*—The worst that can happen to any individual

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amongst

amongst us is Death ; and he who fears to die in the just Defence of his Country, does not deserve to live in it. I put the Matter at the very worst, and that worst is nothing : good men do not dread it, brave men do not shun it, wise men hourly think of it ; it terrifies none but bad men and cowards. What ground then for our Despair ? our Cause is good, our Conscience on this point is clear—we are not fighting to plunder other men's property, but to protect our own—we are not fighting to subvert the Liberty of other Nations, but to prevent the Yoke of Slavery from being fastened on our necks and on those of our posterity—we are not fighting in contempt of National Character, in despite of the Civil Order of the World, in derision of Religion, in mockery of Heaven—No ! we are fighting, to preserve this happy Land from Atheism, from Despotism, or Anarchy, from that moral contamination of Principle and Practice, which outrages the very nature of humankind.

But why speak of the worst, when there is little Probability of the worst happening ? To some, indeed, it must happen ; some gallant

Men must fall in the noble conflict; but that the Nation will be subdued is not to me a probable event. The events of War, we acknowledge it with Humility, and we have abundant reason to acknowledge it with Gratitude and Piety, are in the hands of God. Our Duty is to trust the Issue of the Contest to Him, as if we were not concerned in bringing it about—but it is our Duty also to exert our own Energy, as if every thing depended on Ourselves. And are we not doing this, in a Manner and to an Extent unheard of in former times, in our own Country, and unprecedented in the most illustrious nations of Antiquity?

We read of a Law in *Sparta* which made it Death for a man to refuse hazarding his life in the Defence of his Country.—We have no such Law; but we have something a thousand times better than such a Law—we have a British Spirit.—That Spirit is now roused, it pervades the whole Country, it animates the Nobility, Gentry, Yeomanry, all Orders and Descriptions of Men, to do that Voluntarily, which even *Spartans* were compelled to do by the Fear of Punishment. Every City,
Town,

Town, and Village, from the Land's End to the Orkney Islands, pours forth its voluntary Legions, in Defence of their Country and of their King.

Glorious and unexampled on the Surface of the Earth is His Majesty's situation!—Other Princes there are who reign over more extensive Regions—other Princes there are who support their Thrones, in times of Peace, by more numerous Armies; and exercise over their Subjects a more unlimited Sway.—But where is the Prince, in Europe, or in the World, who, in the day of Danger, sees himself protected as His Majesty is, by the united Efforts of all His People—by the Persons of those who are able to wield a Weapon;—by the Prayers of the Aged and of the Sex;—by the Purses of the Rich;—and by the Hearts of All?—Surely all this is well—it does Honour to the King, it does equal Honour to the People. They know for whom and for what they expose their Lives—they know that they are not miserable *Conscripts*, driven in chains to be sacrificed on the altar of an ambitious Leader, whom they detest; but Loyal Subjects, voluntarily encountering Danger for a
 legal

legal and beloved Monarch; and not for Him only, but for Themselves; for the Preservation of that limited Monarchy, which is the primary Source of all the Blessings they enjoy, as Members of Civil Society.

Is any one ignorant of these Blessings? does any one think that he has nothing to fight for, that his Condition is so mean and uncomfortable that, let what will happen, it cannot become worse under any Constitution which may take place? Mistaken Man! go and see if thou canst find in France—a Trial by Jury—an *Habeas Corpus* Act—an incorrupt Administration of Justice—an Equality of Law—a Security of Life and Property—a parochial Maintenance for thy Orphans and thy Widow—and for thyself, when Age or Accident shall have unnerved the Arm of Industry? Blessings these! which the meanest Englishman so liberally enjoys, that he is apt to overlook them; which the greatest Frenchmen so eagerly desire, that they will ere long with Swords in their hands demand them. The Soldiery of France, of Holland, Switzerland, Italy, glutted at length with Slaughter, satiated at length with Plunder, will, ere long, begin

begin to be ashamed, officers and men, of the part they have acted in this Revolutionary Tragedy of the World; they will at length make an Atonement for the Mischief they have done, and snap, at once, the despotic Chains, which in a fit of Faction, Passion, and Insanity, they have contributed to impose on their respective Countries.

But be this as it may,—for there is little certainty in any political prediction, and least of all in mine,—permit me to congratulate your Lordships and the Nation on that Military Ardour which is every where excited. It is every where excited to such a Pitch, that were our Generals commissioned to say to their Troops, as the Jewish Officers were obliged, by the Law of Moses, to say to their Soldiers before they engaged in Battle—
 “What man is there that is fearful and faint-hearted, let him go and retire unto his house”—Not one in an hundred, I think, would retire from their Ranks.

It has been said of *Carthage*—that all her Citizens were Merchants, mindful of nothing but of the Acquisition of Wealth:—and it has been said of *Rome*—that all her Citizens were
 Soldiers,

Soldiers, mindful of nothing but of the Acquisition of Military Glory.—The Issue of our present Struggle will, I trust, teach all future Historians to say of Britain, that She united Characters hitherto esteemed discordant, and incompatible, and combined for her Defence the Strength of Carthage and of Rome—that her Soldiers were Merchants and her Merchants were Soldiers. Had Carthage been, after the second Punic War, what Great Britain now is, the Exclamation of *Cato* (which our *modern Catos*, forsooth, have so vociferously adopted) the—*delenda est Carthago*—would have been considered by the Roman Senate as an impudent Gasconade, unworthy of its Attention.

Let our Enemies mark the difference between Great Britain and Carthage, to say nothing of that between Rome and France. We are not defended, as Carthage was, by Mercenaries, seldom faithful, always uninterested in the Event of War, and sparing of their Blood.—We are not supported, as She was, by tributary states, impatient of our Yoke, and watching for an Opportunity to throw it off—We are not assisted, as She was,
by

by Allies, envious of our Prosperity, and secretly hoping to benefit themselves by our Downfall—better none than such Allies!—No! we have no mercenary forces, no tributary states, no alliances; but we have more than an equivalent for them all,—A free Constitution—the Work of Ages! the Wonder of the World! the Wish of surrounding states! the *Palladium* which our ancestors have committed to our Custody; which, whilst we possess it, will render us invincible, and which, whilst we have Life, we have to a man determined to defend.

Europe, already subdued by her Fears, or dishonoured by her Hopes, or maddened by Resentment for, perhaps, some real, for many fancied, Insults on the Ocean—on any supposition, Europe now stands aloof, leaves us to Ourselves, deserted at our utmost need—So was *Corsica* left; so was *Poland* left; and so, if we are conquered, will every European state be left, in its turn, till the gigantic Military Despotism of One nation shall overspread the Globe.

This Idea is so forcibly impressed on my
C mind,

mind, that, were I this day standing in the midst of all the Cabinets of Europe, I would not scruple to exclaim—Infatuated are your Councils! You are all jealous of each other, all envious of us, all occupied in paltry considerations of your own particular Interests, unmindful of the General Safety, blind to the subtle progress of a mighty power, equal already to the strongest of you, daily increasing in strength, and, for a Century past, determined to annihilate you all.—

What a Frenchman said of the Romans is so peculiarly characteristic of his Countrymen at this time, that I cannot forbear applying it. “ Enemies to the Liberty of all nations ;
 “ having the utmost contempt for Kings and
 “ Monarchy, they grasped with insatiable
 “ ambition the conquest of the world, they
 “ seized indiscriminately all Provinces and
 “ Kingdoms, and extended their Empire over
 “ all nations.”

But enough of these tragical forebodings with respect to the mischief impending over other nations:—I beg your Lordships’ patience whilst I shortly mention some of the Means
 which,

which, in addition to our present Exertions, may help to avert the Catastrophe from ourselves.

In the first place then, my Lords, I am of Opinion, that the first class of the people, adopting the Division prescribed by a late Act of Parliament, should be called out and taught the use of Arms, not merely as a temporary Expedient to answer the present Exigency, but annually continued as a permanent measure of the Executive Government. Unwise and defective is that Policy, which is occupied in devising Remedies for present Evils, without extending its views to prevent the Recurrence of Danger. I readily join in the general Praise so justly given to the Volunteers; but this Commercial Nation ought so far to become a Military Nation, as always to have within itself a Sufficiency of Men ready disciplined for its Defence. This may be completely effected for the present occasion in a short time: and when the Pressure of the present Occasion is removed, it may be established as a permanent Measure in the course of six years, without giving any

sensible Interruption to our Agriculture, our Manufactures, or our Commerce.

The Population of the Country would annually supply, at least, fifty thousand youths, who in the preceding twelve months had attained the seventeenth year of their age; in six years we should have three hundred thousand young men sufficiently instructed in the use of Arms. In the seventh year, fifty thousand of them might be dismissed, as *emeriti*, from further Attendance on Military Duty, except when the Country was invaded. Thus by a slight service of a few days annually for six years, the Whole Nation (for no Substitutes should in this arrangement be allowed) would at length become a Nation, not of Warriors, but of peaceful Citizens, of all occupations and denominations, ready to become Warriors, whenever the Safety of their Country should require the Exertion of their Skill and Courage. Neither France alone, nor France with all Europe in her Vassalage, would venture to set a foot on this Island thus prepared to receive them:—Great Britain, single handed, would defy the World.

I own I prefer this Militia Rotation, if I may so call it, which I have submitted to your Lordships' Consideration, not only to the Volunteering System, but to every other mode of *extraordinary* Defence. It would not supersede the Standing Army, it would be subsidiary to it, and might greatly assist in recruiting the Ranks of the Regular Forces, and perhaps in diminishing their number. Some Men are apt to speak of every species of Militia Force with contempt; this has been always the case. *Lord Clarendon* in one part of his History speaks in a most disparaging Style of the London Trained-bands: but he is forced to do them Justice in another, where he informs us, that they courageously resisted with their Pikes the Cavalry of Prince *Rupert*, though led on by himself, and thereby saved the Army at the battle of *Newbury*. It was by a force of this kind that the Romans first conquered Italy, and then the World. And, in our time, a force of this kind captured a most gallant Army at *Saratoga*, and thereby acquired Independence for *America*.

I forbear, my Lords, entering into any
detail

detail on this subject; the very mention of which may appear to some to be a going beyond my Province. But the—*ne sutor ultra crepidam*—the, *tractent fabrilia fabri*—the, let Bishops mind their Bibles—these, and sarcasms such as these, from whatever mouth they may proceed, affect not me; nor ought they to affect any honest Man, who is desirous to serve his Country by his Advice.—The Advice may be worth nothing, but your Lordships' Candour will, I am persuaded, suffer the rectitude of the Speaker's Intention to sanctify the imbecility of his Judgment.

I rely upon that Candour, and proceed to mention a second Mean of extricating the Country from its present Danger, and of preserving it from all future Apprehension of Danger. The Mean I recommend is—The payment of the National Debt, at least of that part which has been added to it by the seven Years War, by the American War, by the last War, and by this.

This would be an Act of Magnanimity worthy of ancient Rome—it would exceed that which Rome itself displayed after the battle of *Cannæ*—She expected Hannibal at
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her Gates, but she did not despair; she redoubled her means of Defence.—We expect France on our Shores to attack us with her Forces, or to bankrupt us by Expense:—what does Britain? she prepares to resist the Forces, and she determines to pay her Debt. France will be thunderstruck at her own Temerity, in attempting to subdue a Nation possessed of such Resources.—Europe will be astonished at this noble Sacrifice of Private Wealth to Public Want—America will rejoice in the Vigour of her aged Parent—and no Nation in the World will dare, for a century to come, to disturb the Peace of a People which would have a fresh Credit for four or five hundred Millions on the Commencement of Hostilities. I own the Idea of paying the National Debt swells my heart with patriotic pride—I see this truly Great Nation, instead of being depressed to the earth, instead of succumbing under the weight of its burdens, Erecting itself with firmness and throwing them off; not unjustly transferring them to the backs of the Stock-holders alone, making them the only Sufferers, but removing them from all. I have some-
times

times compared, in my own mind, this Payment of the Debt, to the Removal of one of those enormous heaps of small stones which are not unfrequently met with in the mountains of the North ; it would break the hearts of a few Villagers to be ordered to remove them, but if every individual in the Country was ordered to carry away as large a one as he could easily lift, the work would soon be finished ; no person could be injured by his Share of the Labour, and the Heap would disappear for ever.

I am not ignorant, My Lords, that he who talks of paying the National Debt is considered as a chimerical Projector of Impossibilities, a mere State Empiric, fitter for a seat in the Senate of *Utopia* than of Britain. My opinion is quite different ; and whilst it is my opinion, I am not afraid to declare it, nor ashamed of its Singularity ! The National Debt is an huge Imposthume growing on the Body Politic ; you may yet lessen it with safety, but if you suffer it to go on increasing till it bursts, its rupture will exhaust the strength, if it does not terminate the Existence of the Patient.

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This measure appears to me not only possible, but easily practicable; and not only practicable, but highly useful to the State; and not only highly useful to the State, but profitable to every Individual in it paying Taxes. It would be highly useful to the State, not only from the effect it would have on the Cabinets of Europe; but from two effects especially, which it would have upon ourselves.—It would check the Luxury of all Ranks; for though Luxury may, in a Commercial State, be useful to a certain extent, yet it always ends in Ruin when carried too far; it debases men's minds by teaching them to value things not in themselves estimable; and it effeminates their bodies by habituating them to destructive indulgences.—It would have another and a most important effect—it would preserve to the Country the middle Class of its People, whom enormous Taxation is daily reducing to the lowest, or compelling to Emigration;—for miserable at home, and impotent abroad, will this Nation become, when it shall be composed of none but the very rich and the very poor.

The payment of the National Debt would,

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I have said, be profitable to every Individual paying Taxes—This, at the first view, appears to be a Paradoxical assertion; but it is as certain a Truth, as that every man is richer who sells part of his property to pay his debts, than he would be if he made a fresh mortgage upon it every year, by which, in addition to the Interest of his Debt, he would have an attorney's bill to discharge. A considerable Portion of the Tax which any man now pays to Government never reaches the Exchequer of the Kingdom. I don't mean, by this observation, to cast any imputation of dishonour upon men engaged in the Management of Taxes, and of the Public Revenue; they are necessary parts of the great Machine of Government, and are very properly paid for their services; my wish is, that by paying the Debt and taking off the Taxes imposed for the Payment of the Interest of it, the services of such men might be less wanted.

I proposed, my Lords, this subject to public consideration five years ago, in my Address to the People of Great Britain, (of which publication, by the bye, above thirty thousand Copies were dispersed in Great Britain
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and Ireland, with what effect to the Public it becomes not me to say) and I will not trouble your Lordships with a repetition of what I stated in that Address. One thing only I think it very important to recommend, if ever the measure itself, or an efficacious approximation to the measure, should be adopted—that it be extended to every Class and to every Individual in the Kingdom possessing Property, in a just Proportion to what he possesses. The true Principle of Taxation seems to me to be this—That every man should pay for the Protection of his Property by the State, in exact Proportion to the Value of the Property protected; just as Merchants, who risk their goods on board a Vessel, pay an Insurance in Proportion to the Value of the Goods insured.—This is so plain and equitable a Principle, that every man is capable of understanding it, and no one is able, on reasonable grounds, to object to it. I at least never yet met with a person worth an hundred pounds, who, when the question was put to him (and I have put it to many), did not acknowledge it to be perfectly right, that

he should pay one or two pounds out of his hundred towards the Liquidation of the National Debt, provided that every man worth an hundred thousand pounds paid one or two thousand pounds for the same purpose. Common people are as acute as their superiors in distinguishing between Justice and Oppression ; and I think so well of human nature in general as to believe, that there is in all classes such a respect for Justice, that no Statesman need fear to propose to his Country any measure founded on the basis of Justice, and evidently become necessary for the Preservation of the State.

The Principle here mentioned, is as applicable to our present mode of raising the Supplies, as it is to the Payment of the National Debt, and were it adopted, the Supplies would be far more abundant.—I have never yet heard a substantial reason given, why the Taxation should stop at a property of sixty, or even of ten pounds a year. A man of ten pounds a year is as able to pay (I mean with as little privation of *his* comforts) ten shillings annually, as a man of five hundred a year is to pay

pay five hundred shillings. If we trace the matter to the bottom, and speak of Luxuries, as distinguished from Necessaries, we shall find every thing comparatively speaking to be a Luxury. Bread is a Luxury to those who feed on the bark of Trees ; Beer is a Luxury to him whose beverage has been Water ; Wine is a Luxury to him whose ordinary beverage is Beer ; and a Savage in America with a blanket on his shoulders, is a man of Luxury, compared with his neighbour who has none. Our inimitable Bard has expressed this Idea in better language than I can use, where he introduces Lear arguing with his daughter about what was *needful* for his State.

O, reason not the need : our basest beggars
Are in the poorest thing superfluous ;
Allow not Nature more than Nature needs,
Man's life is cheap as beasts.—

What portion of each man's property may be requisite for the discharge of the National Debt, by Instalments in the course of four or five years, cannot at present, I think, be ascertained with any degree of certainty. I
have

have seen calculations of the Property of the Kingdom in Land, Houses, Money, Cattle, Merchandise, &c.; but the *data* on which these calculations were founded, were too arbitrarily assumed to render the conclusion unexceptionable. But whether an hundredth, or a fiftieth, or a twenty-fifth part of the whole should be required, I am clearly of opinion that no man of good sense would murmur at the payment of it, when he considered that such payment would not only save the State, but be a pecuniary Saving to himself. A pecuniary Saving to a man's self, is a circumstance likely to arrest the attention of every individual; though, in truth, the Saving of the Country is an object of more importance, as it comprises every other. For if the Country is subdued, its Freedom will be lost; and with its Freedom, will perish its Ingenuity, its Industry, its commercial Enterprise, and its martial Spirit—all the copious sources of Domestic Happiness, and of National Consequence will be choked up for ever.

I have yet, My Lords, to beg your indulgence, whilst I briefly mention two other subjects—they are subjects of great importance

ance and of difficult discussion; but as I mean to hint them for Consideration, rather than to press them on the Government for Decision, and have no wish to anticipate public wisdom on either of them, I must take the liberty to mention them, especially as they have both of them been long and seriously considered by me.—The two subjects I mean to touch upon are, the State of the Catholics in Ireland, and the State of the Dissenters in England.

With respect to Ireland, I declared my opinion of its situation when the Union was debated in this House. I said then, and I have seen no reason since to change my opinion, that the Union would be more advantageous to Ireland than it would be to Great Britain, and that it would be eminently useful to them both. And notwithstanding the treasonable combinations which exist in Ireland, I believe this to be the opinion of a great majority of the Irish people; and that France will be exceedingly disappointed in her expectations of a general rising of the Catholics in her favour, should She land any forces in that Country.

One of the most able and active Instigators of Rebellion amongst them, declared, at a time when men are most disposed to disguise nothing, that he deprecated all connexion with France, and I give full credit to his declaration. Whatever might have been the designs of him and others, when they first united for the purpose of Rebellion, they could not be ignorant of, or insensible to what had happened to Holland, Switzerland, Italy,—to every Country which had received the Fraternal Embrace of France—they could not but know, that it chilled, like the embrace of Death, those whom it touched; that it stiffened with horror and suspicion all the mild charities, and paralysed all the noble energies of social life. What was it then that moved these unhappy men to undertake so wicked and so dangerous an enterprise? Was it a mistaken sense of honour (to speak of it in the gentlest terms)? Did they wish to render themselves illustrious, by rendering their country independent, and unconnected with us or any other nation? Wild Ambition! Idle Expectation! Improvident Policy! which aimed at an Object not attainable, in the

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present

present state of Europe, and disadvantageous to Ireland, if attained. Did they unite to redress the grievances under which they imagined their Country laboured? They ought to have remembered, that Ireland has been treated with more indulgence (I do not say with more than She deserved) but with more indulgence during the present Reign, than during any other equal period of time since her connexion with Great Britain; and they ought particularly to have considered that the Union was intended (and its intention will, I do not doubt, be finally accomplished) to remove every shadow of grievance which remained.

One circumstance in the situation of Ireland has always appeared to me an hardship, and that hardship still remains undiminished. I have always thought it an hardship, that a great Majority of the Irish People should be obliged, at their own expence, to provide religious Teachers for themselves and their families. I have the copy of a letter, in my possession, to the Duke of Rutland when Lord Lieutenant of Ireland, in which I pressed upon his consideration, the propriety of

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making a provision for the Catholic Bishops and Clergy in that Country ; and I have been assured by men, well acquainted with the temper of the Irish, that had such a measure been then judiciously adopted, a Rebellion would have been avoided, and Ireland would long ago have been tranquillized. Whether the time for trying such a mean of tranquilization be now so passed that it cannot be recalled, I know not ; but whether it be so passed or not, the measure itself, being founded in Justice, is not unworthy the Consideration of Government. I love, my Lords, to have Politics, on all occasions, founded on substantial Justice, and never on apparent temporary Expedience, in violation of Justice ; and it does appear to me to be just,—That the religious Teachers of a large Majority of a State should be maintained at the Public Expence.

If you would make men good subjects, deal gently with their Errors ; give them time to get rid of their Prejudices ; and especially take care to leave them no just Ground for Complaint. Men may for a time be inflamed by Passion, or may mistake
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their Pertinacity for a Virtue, or may be misled by bad Associates ; but leave them no just Ground of Complaint, and their aberrations from rectitude of public conduct will never be lasting ; Truth and Justice, though occasionally obstructed in their progress, never fail at length to produce their proper effect.

Justice, I think, may be done to the Catholics, without Injustice being done to the Protestants.—The protestant Clergy may continue to possess the Tithes of the Country ; and the catholic Clergy may be provided for from the public Exchequer of the Empire. I see no danger which would arise to the established Church from some such arrangement as this ; and it would, probably, be attended with the greatest advantage to the State. We think the Catholics to be in an Error ; they think the same of us ; both ought to reflect that, every Error is not a criminal Error, and that their Error is the greatest, who most err against Christian Charity.

If any one should contend that this is not the time for Government to make Conces-

sions to Ireland,—I wish him to consider whether there is any time in which it is improper for either Individuals or Nations to do Justice, any season improper for extinguishing animosity, any occasion more suitable than the present, for putting an end to heart-burnings and internal discontent. I should be as averse as any man from making Concessions to an Enemy invading the Country; but I would do much to gain a cordial Friend to assist me in driving him back;—and such a Friend, I am confident, Ireland will become.

I come to the last point—the Case of the Dissenters.—I am well aware that on this point I differ in opinion from men whom I esteem; but without arrogating to myself, without allowing to others, any infallibility of Judgment, I am anxious, in this Crisis of our Fate, to speak my whole mind. What I presume to recommend is—A Repeal of the Test and Corporation Acts—as a Mean of combining together, in the cords of mutual amity and confidence, the whole Strength and Spirit of the Country. It has been said that the Dissenters constitute above a fifth part of
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the population of the Kingdom; I do not think them to be so numerous; but I am convinced that they are too loyal to be treated with Distrust at any time, and too numerous to be soured by neglect at this time. I am far from insinuating that the Dissenters want to be bribed to their Duty by the repeal of the Test Act; no, my Lords, Churchmen and Dissenters of every denomination, are equally Zealous in the Common Cause—they seem to me to emulate the patriotism of the Patricians and Plebeians at Rome; who, for five hundred years, waged an eternal War of Words about their respective Rights, Claims, Oppressions, Privileges,—but when their Country was in Danger, when an Enemy invaded their Territory, they laid aside their Disputes; their only Contention then was, which of them could show the greatest Courage in repulsing the Enemy of them both.

I have never had any design, any wish, my Lords, to gain the good-will of the Dissenters, by becoming a Champion in their Cause—much less have I any inclination to provoke the Ill-will of Churchmen, and the Disesteem of my Brethren, by a forward display,

display, or a froward retention, of an Opinion opposite to their's. I may be wrong in thinking that the repeal of the Test Act would in no degree endanger the Safety of either the Church or State; but whilst I do think so, I should act a timid, interested, dishonourable, part, if I concealed my Sentiments.

I will mention to your Lordships an anecdote respecting this matter; for the truth of which I pledge my Honour, and, in doing that I hope I may be permitted to expect full credit from the House. When the Dissenters, a second time, petitioned Parliament for the Repeal of the Test Act, I called, accidentally, upon Lord *Camden*, then President of the Council; and, in the course of conversation, asked him this plain question, suggested by the alarm which had been taken by some Churchmen—"Does your Lordship see any danger to the Church of England from the repeal of the Test Act?"—He answered, with an eagerness peculiar to himself when his mind was determined—"None whatever."—If then I err in this matter, I err with the late Lord *Camden*; and though I had not
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rather err with him, than be right with others; yet I neither wish for, nor know where to find, a better Supporter of my Sentiment.

The general good sense of the Age has freed itself from many Opinions on Religion and Government, which disturbed the minds of our Fathers. The Church does not now lay claim to Tithes as due by any other Law than the Law of the Land—She does not persecute Dissenters, whom she cannot persuade—She denounces no Anathema against Schismatics—nor arrogates to herself alone the Title of—The true Church.—Passive Obedience to bad Kings, the Divine Right of all Kings, and indefeasible Succession, are tenets now maintained by few. These, and similar doctrines concerning Church and State, which occasioned so much trouble to Government, and mischief to the People, in several preceding Reigns, have in the Reign of GEORGE III. expired with what gave support to most of them—*Jacobitism*—They have been buried, I trust, for ever, in the same grave with the *Pretender*.

If a degree of bitterness, my Lords, against Dissenters be still subsisting in the minds of
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some Laymen—if the Church have still amongst its members, a few whose zeal against Non-conformists of every denomination is violent;—if the vulgar be still capable of being incited, by the Cry of the Church's Danger, to commit enormities shocking to Humanity, and disgraceful to Civil Policy; yet the Legislature of this Kingdom has, in several Instances, shown a more liberal policy towards those who cannot in conscience conform to the established Church. This liberality will daily increase, if those who are the objects of it in any part of the Empire continue to deserve it. The Dissenters want not my advice; they will permit me however to observe, that a firm attachment to the Civil Constitution as settled at the Revolution, Moderation towards the Church, Loyalty towards the King, and a peaceable Deportment towards all, are irresistible weapons by which they will at length subdue all opposition to their claims. This opposition springs not, I am certain, from any feelings of Persecution or Intolerance in our Governors; but it springs in some well-meaning men, from the fears and jealousies, to which timid tem-
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pers are peculiarly subject, when any Innovation is proposed ; in others it arises from an apprehension, that there may be a renewal of the troubles, and ruin of the Church and State, which took place in the reign of Charles I.; notwithstanding the great diversity between the circumstances of the Country then and now, in many respects, and in particular in the Throne being filled by the House of Brunswick, and not by that of Stuart. We none of us have now any thing to fear from the arbitrary Exactions of a Monarch, or from the Ecclesiastical Tyranny of an Archbishop. The prudent and dispassionate among the Dissenters in England, and among the Catholics both in England and Ireland, who consider how difficult it is for Non-conformists, as well as for Churchmen, and in truth how difficult it is for all men, to get the better of Prejudices implanted by education, and rooted by reflexion, will rather wonder that so much has been done for them, than indulge a petulant discontent, as if they had suffered an indignity in being denied any thing.

I know, my Lords, that I have been
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accused

accused of being a Republican, of being a Presbyterian, of being I know not what sort of dangerous thing, that was to be watched, intimidated, undermined, depressed. I have scorned (too haughtily, perhaps, for my Interest) but I have through life scorned to repel open Calumny, to counteract secret Misrepresentation, by Words ; leaving it to the World and to Posterity (if Posterity shall ever inquire after me) to form a Judgment of my Principles and Character from my Actions. I have no partiality for Presbyterianism, I prefer Episcopacy to it. I have no partiality for Republicanism, thinking it worse than Despotism ; and Despotism, your Lordships will think with me, is worse than Death. I have no partiality for either Catholics, or protesting Catholics, or dissenting Protestants, as such ; but I have a partiality for Truth, and Moderation, and Justice, and the Safety of the Country : and its Safety will at all times be best secured by the hearty Union and Concurrence of all its Members in its defence. The Age for excessive Jealousies, for exclusive Privileges, for domineering Pretensions, for narrow Principles of Legislation and Government,

ment, is over ; and happy, my Lords, will that People be, whose Rulers seasonably advert to the Change which the “ greatest of all Innovators—Time ” insensibly operates in the Circumstances of the World.

If, my Lords, I should differ in Opinion from any, or from all, of your Lordships, on any, or on all, of the four points on which I have spoken, I certainly shall lament such difference as a misfortune ; but at the same time I must confess, that even a fore-knowledge of that difference would not have deterred me from speaking :—*liberavi animam meam*—and it is impossible that there ever can occur to any of us an occasion of greater necessity, to form our Opinions with due Consideration, and to deliver them with Sincerity. I have spoken with Confidence, but not, I hope, with Arrogance—with Confidence, because my mind was made up ; without Arrogance, because I am extremely sensible, that the fallibility of Judgment which belongs, in some degree, to most men, belongs, in a great degree, to myself. I am ashamed, my Lords, to speak of the personal Service of a Man in his 67th year ; he could render none to his Country.

Yet if the last Extremity should arrive, we must all of us do what we can. All professional Immunities must give way to Public Necessity; all Exemptions from Military Duty must cease.—They ceased in Corsica, when, at the Call of their Country, five hundred Priests took up arms to resist Gallic Oppression—They ceased in ancient Rome, whenever the Romans were threatened, as we are now, with a Gallic Invasion; and they must cease with Us, before we cease to be an Independent People.

Allow me, my Lords, before I sit down, to say a word or two on what appears to me to be the true Cause of our commencing this War, I am the more disposed to do this from observing, that this Cause has been much kept out of sight, as if we were ashamed to produce it; whereas it appears to me so reasonable and just a Cause, that I wish all the World to know it.

My *Alma Mater*, My Lords, and I trust the *revered Alma Mater* of many of your Lordships, has, for near a Century past, been in the habit of strengthening the intellectual faculties of her Sons by the severity of Mathematical

matical Discipline—She has been blamed for this; but, I presume to say, not wisely blamed; for at the same time that She engages them in the recondite researches of Mathematical Science, She permits and exhorts them to try their strength, in the investigation of the most subtle questions of Morality and Jurisprudence. When I was a *Soph* at Cambridge forty-five years ago, I maintained in the Philosophical Schools a Question, on the Truth of which depends the Justice of this War, and the Fate of Europe. The Question was this—*Jure Gentium arma rectè sumuntur, ad imminuendam crescentem potentiam, quæ nimium aucta nocere posset.*—The great *Grotius* positively denies this doctrine; and I now consider my having undertaken to maintain it, in opposition to his authority, to have been a mere piece of youthful temerity; or, to speak most favourably of it, of pardonable vanity. But I have since met with an authority greater than that of *Grotius*; which (though it does not excuse my temerity, for I did not then know of it) entirely satisfies me, that the doctrine I then maintained was true. The authority I allude to is not less than that of

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the “ greatest of mankind.”—It is so full to the purpose of justifying the War we have commenced, and such a Warning to Europe, that I will beg leave to quote it, from his—
 Essay of Empire—“ Princes should be per-
 “ petually upon the Watch, that none of their
 “ Neighbours do overgrow so (whether by
 “ increase of Territory, or by embracing of
 “ Trade, or by nearer approaches, and the
 “ like) as to become more able to annoy them
 “ than they were before. And this is gene-
 “ rally the work of standing counsels to
 “ foresee and hinder. Certainly during that
 “ Triumvirate of Kings (Henry the Eighth
 “ of England, Francis the First of France,
 “ and Charles the Fifth of Spain) there was
 “ such a vigilance among them, that none of
 “ the three could win a span of Ground but
 “ the other two would straightway balance it,
 “ either by consideration, or, if need were, by
 “ War.—Neither is the Opinion of some
 “ of the School-men to be received, That a
 “ War cannot justly be undertaken, but upon
 “ a precedent injury or provocation. For
 “ there is no question, but a just fear of an
 “ imminent danger, though there be no blow
 “ given,

“ given, is a competent and lawful Cause of
 “ a War.”

The Jealousy respecting the increase of the power of France, which, as Lord Bacon has observed, actuated the Councils of Henry VIII. was a prominent feature in the Politics of his daughter *Elizabeth*. There is a remarkable passage in proof of this in *Sully's Memoirs*. -- When that minister, by order of his Master Henry IV. had an interview with Queen Elizabeth at Dover, she plainly said to him, “ If the King of France, my brother, should be desirous of making himself the Proprietary, or even only the feudal Seigneur of the United Provinces, I do not conceal from you that the attempt will excite my utmost Jealousy.” What would this Princess have said had she witnessed that colossal aggrandizement of France, which it is our misfortune to behold? She would have called upon all the Powers of Europe to unite in reducing it; and, had She found the Powers of Europe as deaf to her exhortations as they are to ours, She would have done what a Monarch, as beloved as herself, (and none was ever more beloved,) is now doing— She would have called out her Own People, and

and relied, under God, on their Loyalty and Bravery for Success.

I acknowledge, My Lords, that the Insult offered to our Sovereign in the person of his Ambassador; that the repeated Menaces of Invasion; that the Tergiversation respecting Malta; that these and other similar Injuries might, if on representation persevered in, be esteemed just Causes of War; yet I entirely rely on the Truth of the Thesis I have mentioned, as a sufficient Ground of just and honourable Aggression.

Contumelious Language is a disgrace only to him who uses it, and is best answered by Silence and Contempt; slight Injuries are fitter to be settled by diplomatic Negotiation, than avenged by the Force of Arms; but an increasing Power is to be reduced before it becomes too strong; for the History of all Ages and Countries informs us, that when an overgrown nation has the Means, it seldom wants the Will to oppress its Neighbours. France makes no Secret of her Will; we are justified in preventing her from acquiring the Means.

Some of your Lordships are old enough to remember the time, when, in the latter part of the Reign of George II. immense preparations were made by France at *Toulon*, at *Brest*, and in every other Port of that Kingdom, for the Invasion of this. The alarm of the Nation was extreme; Government was panic-struck; the Militia was called out, and German Auxiliaries were brought into the Country to defend it. I shall never forget the phrenzy of joy which seized the whole Nation, when news was brought—that *Boscawen* had destroyed the *Toulon* fleet,—And when news was brought, three months afterwards,—that *Hawke* had destroyed the *Brest* fleet.

Without disturbing the ashes of the dead, without distressing the modesty of the living, by comparisons, may I not be allowed to state my firm Expectation, that the Commanders of the Fleets which now watch the Motions of the Enemy, at *Toulon*, at *Brest*, and in every other part of the World where they are to be found, will, on no distant day, afford their Country equal causes for similar Triumph and Exultation? There is not an

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Admiral,

Admiral, an Officer, a Sailor, in the British Navy, who does not burn with Impatience to have an Opportunity of attacking the Enemy ;—who is not ready to exclaim with *Macduff*,

Within my sword's length set him, if he 'scape
Then Heav'n forgive him too.

The Navy will think itself unfortunate, if not dishonoured, should the Safety of the Country be left to the protection of the Army alone. The Army, though it unites with the whole Nation in a just estimate of the Skill and Courage of the Navy, is eager to gather unfading laurels, from finishing what the Navy may, by some unlucky chance, be obliged to leave undone.

The preparations of France may, for ought I know, my Lords, be greater now than they were in 1759 ; but I am certain of this, that there never was a time, in the history of Great Britain, when our preparations were so extensive, when the Nation was so united within itself, its spirit so high, its sense of danger so strong, its indignation so roused, its detestation of French principles, French cruelties,
French

French rapacity, French ambition, so general and sincere as at this moment.

We have not, it must be confessed, and I am proud to confess it, a few thousands of Hessians and Hanoverians to defend us—but we have a whole nation of loyal and brave Subjects in Arms.—It is not in my power to animate the Country, nor do I speak so warmly of our preparations with any view to attempt it; as a plain man I plainly speak my mind. I know that the whole Country, from the Throne to the Cottage, is animated with the noblest Ardour; and I know too, that if there is a man in the Empire whom the Occasion does not animate, in vain will you attempt, by the most ardent words, to warm the frigid cowardice or disaffection of such a man's heart.

The occasion is extraordinary; and we meet it, as we ought to do, with extraordinary Resolution and Exertion. A successful Invasion, had it ever been accomplished during the Monarchy of France, would have been terminated by, perhaps, a disadvantageous Peace; but we should have retained our Rank

in the scale of Nations. A successful Invasion by the Republic of France (Heaven avert so great an evil !) will never be terminated but in complete national Degradation, in public Bankruptcy, and individual Beggary. This limited Monarchy, the Glory of Civilized Society ! will be overthrown—our aged Monarch (God protect him !) and his numerous Sons, will be buried, such is the acknowledged bravery of his race ! in the last Ruins of their native land—Your Rank, my Lords, by which, for the benefit of all, you are now distinguished from the rest, will be heard of no more—The landed Gentry will be obliged to become Farmers, and be compelled, by unheard of, unthought of, Exactions, to give up the lamented produce of their own lands and of their own labour, to feed the Luxury of a foreign Country—The Farmers will be made Labourers, and the Labourers will be made Slaves—And, in addition to all these Calamities, the youth of every class will be made *Conscripts*—and dragged from their Country and their Fathers' House, to fight the battles of violent and unjust Ambition in every part

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of

of the world.—Sooner than all this should happen, I would say (did Christianity permit such a wish) may the Fate of the *Saguntines* become the fate of *Britons* !—

Such, my Lords, would be the final event of a successful Invasion of this Country by the Republic of France. I have in some degree described it, but I do not in any degree expect it; I expect the direct contrary. My Hope and my firm Expectation is, that, instead of Success, the Enemy will experience Defeat; instead of Triumph, Disgrace and Ruin—that, under the good providence of God, the Arms of Great Britain will not only preserve our own Independence, but be instrumental in exciting the Spirit of other Nations to recover theirs, and eventually contribute to the establishing the true Liberty, and promoting the true Prosperity, of France itself—but on this subject I forbear.—

And now, illustrious Peers of this mighty Empire! Venerable Fathers of our most venerable Church! I beseech you, individually, to pardon me, if in the Warmth of my zeal for the Public Safety (never more endangered
than

than at present!) any Expression has escaped me unworthy the Dignity of your Rank to hear, unbecoming the Decorum of my Station to utter. Little more can be expected by the Country from a man of my age, except from his Prayers; and mine shall never be wanting for its Preservation, and for Peace among Mankind.

FINIS.



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